

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
January 14, 2004

Mayor David Dermer
Vice-Mayor Jose Smith
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

Visit us on the Internet at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R6 Commission Committee Reports
R7 Resolutions
R9 New Business and Commission Requests
R10 City Attorney Reports

Reports and Informational Items

Miami Beach

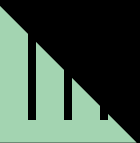


2003

*"We are committed to providing excellent public service
and safety to all who live, work, and play in our vibrant, tropical, historic community."*

PA - Presentations and Awards

- PA1 Certificate Of Appreciation To Be Presented To The Parks And Recreation Department, For Receiving The National Accreditation From The Commission On Accreditation Of Park And Recreation Agencies (CAPRA). (Page 2)
(City Manager's Office)
(Deferred from December 10, 2003)
- PA2 Certificate Of Appreciation To Be Presented To William Farkas, For Retiring From The South Florida Art Center.
(Requested by Commissioner Saul Gross)
(Deferred from December 10, 2003)
- PA3 Certificates Of Appreciation To Be Presented To Café Prima Pasta, The Aquasol Condominium, The Blue And Green Diamond Condominium, Temple Beth Shalom, The South Beach Hotel, And The Shops At West Avenue, In Recognition By The City Of Miami Beach Beautification Committee For Their Efforts In Contributing Significantly To The Beautification Of The City And Its Citizens.
(Beautification Committee)
- PA4 Certificate Of Appreciation To Be Presented To Employee Of The Month, "At Your Service Award" Winner For December 2003.
(City Manager's Office)
- PA5 Certificates Of Appreciation To Be Presented To Major James Mazer, Commander Hernan Cardeno, Sgt. Richard Lonergan, And Sgt. Bernie Ruder, Police Officers Accreditation Team Personnel.
(Requested by Commissioner Luis R. Garcia, Jr.)
- PA6 Certificate Of Appreciation To Be Presented To Donna Leighton For Her Dedication To The City Of Miami Beach And The Parks & Recreation Department.
(Requested by Commissioner Matti Herrera Bower)
- PA7 Special Presentation For The Miami Beach Police Department.
(Requested by Mayor David Dermer)
- PA8 Certificate Of Appreciation To Be Presented To Elaine Watson For Retiring After 29 Years Of Working With Immigration Services.
(Tourism & Cultural Development)
- PA9 Proclamation To Be Presented To SMG, Winner Of The Prime Site Award.
(Requested by Mayor David Dermer)

**PA - Presentations and Awards** (Continued)

PA10 Certificates Of Appreciation To Be Presented To Officers Maria Zamudio, Orlando Sosa, Vincent Canete, And Rolando Noriega, For Assisting During The Holiday Toy Giveaway At The Hispanic Community Center.

(Requested by Commissioner Luis R. Garcia, Jr.)

PA11 Certificate Of Appreciation To Be Presented To Security Guard Anthony Jones, For Recovering Commissioner Garcia's Stolen Laptop.

(Requested by Commissioner Luis R. Garcia, Jr.)

CONSENT AGENDA

Action:

Moved:

Seconded:

Vote:

C2 - Competitive Bid Reports

C2A Request For Approval To Issue A Purchase Order To Duval Ford, In The Amount Of \$294,270, For The Purchase Of Fourteen (14) 2004 Ford Crown Victoria Police Pursuit Vehicles And One (1) 2004 Ford Explorer 4x2 Police Vehicle, Pursuant To Florida State Contract No. 03-11-0825.
(Page 5)

(Fleet Management)

C2B Request For Approval To Issue A Purchase Order To Altec Industries, Inc., In The Amount Of \$54,687, For The Purchase Of One (1) 2004 Ford F-350 Diesel Cab & Chassis Mounted With An Altec AT200 Non-Insulated Aerial Device, Pursuant To General Services Administration Contract No. GS-30F-1028G. (Page 8)

(Fleet Management)

C2C Request For Approval To Award A Contract To Condo Electric Motor Repair, Inc., TAW Miami Service Center And Electrix USA, Inc., Pursuant To Invitation To Bid No. 47-02/03 For The Electric Motor Rewind And Repair Services In The Estimated Annual Amount Of \$300,000. (Page 11)

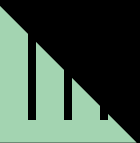
(Public Works)

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhood/Community Affairs Committee - Discussion Concerning Potential Enhancements To The Pine Tree Bark Park. (Page 21)
(Parks & Recreation)
- C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Review, Assessment, And Recommended Structure Of The Greater Miami Convention And Visitors Bureau Conducted By Economic Research Associates (ERA). (Page 25)
(City Manager's Office)

C6 - Commission Committee Reports

- C6A Report Of The Special Finance And Citywide Projects Committee Meeting Of December 5, 2003: **1)** Discussion On Fire Station No. 2; **2)** A Resolution Authorizing The City Manager To Decline In Writing The Right Of First Offer Transaction As Required Pursuant To The Terms Of Section 36.2 Of The Agreement Of Lease ("Lease") Between City Of Miami Beach, Florida ("Owner") And Pelican Development, LLC ("Tenant") Dated As Of December 1, 1999; Further Authorizing The City Manager And City Attorney To Approve/Disapprove The Transfer Of Tenant's Leasehold Interest In The Project As Required Under The Terms Of Section 10.5 Of The Agreement Of Lease Upon Completion Of The City's Review Of Information, As Provided In The Lease, Relative To The Proposed Transfer Of The Project; And **3)** Update Of Mt. Sinai Financial Status - Issuance Of Bonds To Refinance Existing Issues. (Page 28)
- C6B Report Of The Land Use And Development Committee Meeting Of December 8, 2003: **1)** Discussion On How To Propose A Legislation To Create And Adopt A Dune Project In Conjunction With The Miami Beach Parks And Recreation Department, ECOMB, Teen Job Corp And The Miami- Dade Extension; **2)** Discussion Regarding A Resolution To Consider An Amendment To The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code; Division 13, "MXE Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public As A Conditional Use In This Zoning District; **3)** Discussion On North Shore Traffic Study; **4)** Discussion Regarding Approval Of The Location Of The Miami Beach Convention Center For Conventions, Expositions Or Events Involving Adult Materials; And **5)** Discussion Regarding Ordinance Amendment To Allow Commercial And Retail Accessory Uses In Apartment Buildings In The RM-2, Residential Multifamily Medium Intensity Zoning District. (Page 34)
- C6C Report Of The Community Affairs Committee Meeting Of December 9, 2003: **1)** Discussion On Alcohol And Nudity Ordinance. (Page 36)

**C6 - Commission Committee Reports** (Continued)

- C6D Report Of The Community Affairs Committee Meeting Of December 16, 2003: **1)** Discussion Regarding Art In Public Places Funds; **2)** Discussion Regarding Proposed Amendments To The Existing Debarment And Lobbying Ordinances; **3)** Discussion Regarding Changes To The Miami-Dade County's Lobbying Ordinance; **4)** Discussion Regarding On-Board Media Discussion Regarding Establishing A Pilot Program With Onboard Media For A Maximum Of Twelve (12) Months To Produce And Air A Thirty (30) Minute Segment Of "Welcome To Miami Beach" In Promotion Of The City Of Miami Beach As A Tourist Destination And Quality Residential Community, On "BeachTV" (Charter Communications Geographic Territory), At No Cost To The City; Providing A Link On The City's Website, A Letter Of Support For The Programming Efforts And The City's Cooperation And Conceptual Support Of The Program And Its Production; **5)** Discussion Regarding Status Report On Wayfinding Signage Project; **6)** Discussion Regarding Amending Miami Beach City Code Section 2-22 Regarding Term Limits Of Board And Committee Members; And **7)** Discussion Regarding Beatles Mandala Proposal For A Work Of Public Art To Be Commissioned, As Recommended By The Art In Public Places Committee. (Page 40)
- C6E Report Of The Joint Land Use And Development Committee And The Charter Review Board Meeting Of December 22, 2003: **1)** Discussion On Zoning Reform Section 1.03 (b) Powers Of City. (Page 46)
- C6F Report Of The Finance And Citywide Projects Committee Meeting Of December 22, 2003: **1)** Discussion Regarding The Potamkin/Berkowitz Site; **2)** Discussion On The South Shore Community Center; **3)** Discussion Of The Results Of The Meeting Of The Evaluation Committee Consisting Of Miami Beach Residents And City Staff To Consider Possible Alternatives For The Replacement Of The City's Financial Hardware And Software Systems; **4)** Review And Discuss, The Proposed Concession Agreements With Market Company, Inc., For The Lincoln Road Green Market, The Espanola Way Market And The Normandy Village Market; And **5)** Discussion Regarding The Interlocal Agreement Among The City Of Miami Beach, Miami Beach Redevelopment Agency, Miami-Dade County, And The Children's Trust. (Page 50)
- C6G Report Of The General Obligation Bond Oversight Committee Meeting Of January 5, 2004: **1)** Change Order Report; **2)** Project Status Report: a) Fire Station #2; b) Fire Station # 4; c) Normandy Isle Park and Pool; d) Scott Rakow Youth Center; **3)** Informational Items: a) Updated Calendar of Scheduled Community Meetings. (Page 64)

C7 - Resolutions

- C7A A Resolution Authorizing The Miami-Dade County Canvassing Board To Serve As Canvassing Board For The Special Election Of The City Of Miami Beach To Be Held On March 9, 2004 At The Time Of The Presidential Preference Primary. (Page 73)
(City Attorney's Office)

C7 - Resolutions (Continued)

- C7B A Resolution Approving The Transfer Of The Interlink Communications Partners, LLC D/B/A Charter Communications ("Charter") Cable Franchise To Atlantic Broadband (Miami), LLC ("Atlantic Broadband"). (Page 77)
(City Clerk's Office)
- C7C A Resolution Urging Members Of The Florida Legislature To Support The Municipal Issues, As Set Forth In This Resolution, During The 2004 Legislative Session. (Page 88)
(Economic Development)
- C7D A Resolution In Connection With The Finding And Declaration Of The Existence Of An Emergency For Parking, Approving And Allowing The Police Athletic League (PAL), A Not-For-Profit Entity, To Utilize The Public Swale Area, Located At Dade Boulevard And Prairie Avenue, Adjacent To Miami Beach Senior High School, For A Fund Raising Event To Operate A Food Concession Stand, From February 12-17, 2004, During The Miami International Boat Show; Further Providing That The Dade Boulevard Swale Be Utilized By PAL Subject To The Following Conditions: (1) That 100% Of The Profits Generated From This Fundraiser Be Returned To PAL For Its Exclusive Use; (2) That The Subject Permission Is Granted Without Establishing Precedent So As To Satisfy This Unique Emergency Situation; And (3) That PAL Provide A Certificate Of Insurance Or Other Proof Of Insurance To The City. (Page 95)
(City Manager's Office)
- C7E A Resolution Finding And Declaring The Existence Of A Parking Emergency And Allowing The Miami Beach Senior High School Parent Teacher Association (MASH-PTA), A Not-For-Profit Entity, To Utilize The Public Swale Area Located At Dade Boulevard Adjacent To The School, To Provide Additional Parking From February 12-17, 2004, For The Miami International Boat Show, Through A Fundraising Event; Further Providing That The Swale Area Be Utilized Exclusively By The MBSH-PTA Subject To The Conditions Set Forth In This Resolution Below. (Page 100)
(Parking Department)
- C7F A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) For Parking Cashiers, Attendants, And Supervisors For The City Of Miami Beach Parking Department. (Page 105)
(Parking Department)
- C7G A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) For Valet Parking Services For The Miami Beach Convention Center, Jackie Gleason Theater Of Performing Arts, And Other City Property, As May Be Required. (Page 116)
(Parking Department)

C7 - Resolutions (Continued)

- C7H A Resolution Authorizing The City Manager To Execute An Agreement With Kevin Arrow (Artist), For Creation Of A Public Art Commission, Entitled, "Beatles Mandala"; Appropriating The Total Amount Of \$70,000, From The Art In Public Places Fund, Which Amount Includes \$10,000 For Site Enhancement, And \$5,000 For Contingency And Promotion; And Further Approving The Site For This Public Artwork At The North Shore Bandshell Park. (Page 129)
(Tourism & Cultural Development)
- C7I A Resolution Authorizing The Issuance Of A Request For Proposals (RFP), To Provide A New Citywide Enterprise Financial And Administrative System For The City Of Miami Beach.
(Page 136)
(Finance Department)
- C7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 65-02/03 For Providing Investment Advisory Services To The City Of Miami Beach; Authorizing The Administration To Enter Into Negotiations And Contract With The Top-Ranked Firm Of MBIA Municipal Investors Service Corp.; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of PFM Asset Management LLC. (Page 145)
(Finance Department)

End of Consent Agenda

PA - Presentations and Awards

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(Requested by Mayor David Dermer)

AGENDA ITEM PA1-11
DATE 1-14-04



PA - Presentations and Awards (Continued)

PA10 Certificates Of Appreciation To Be Presented To Officers Maria Zamudio, Orlando Sosa, Vincent Canete, And Rolando Noriega, For Assisting During The Holiday Toy Giveaway At The Hispanic Community Center.

(Requested by Commissioner Luis R. Garcia, Jr.)

PA11 Certificate Of Appreciation To Be Presented To Security Guard Anthony Jones, For Recovering Commissioner Garcia's Stolen Laptop.

(Requested by Commissioner Luis R. Garcia, Jr.)

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Request for approval to issue a purchase order to Duval Ford, Inc., in the amount of \$294,270.00, for the purchase of fourteen (14) 2004 Ford Crown Victoria Police Pursuit vehicles and one (1) 2004 Ford Explorer 4x2 Police Administrative vehicle pursuant to Florida State Contract No. 03-11-0825.

Issue:

Whether to approve the issuance of a purchase order pursuant to Florida State Contract No. 03-11-0825.

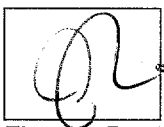
Item Summary/Recommendation:

The fourteen (14) 2004 Ford Crown Victoria Police pursuit vehicles and the 2004 Ford Explorer 4x2 Police Administrative vehicle are budgeted replacements and will be funded by the Fleet Management Replacement Fund. These vehicles were scheduled to be replaced in Fiscal Year 2001-2002 but were retained for an additional year because of their condition. They should now be replaced.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	\$294,270.00	510.1780.000673 Fleet Management Replacement Fund	
 Finance Dept.	2			
	3			
	4			
	Total	\$294,270.00		

City Clerk's Office Legislative Tracking:

Andrew Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Andrew Terpak, Fleet Mgt. 		

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AGENDA ITEM C2A
DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **REQUEST FOR APPROVAL TO ISSUE A PURCHASE ORDER TO DUVAL FORD, INC., IN THE AMOUNT OF \$294,270.00, FOR THE PURCHASE OF FOURTEEN (14) 2004 FORD CROWN VICTORIA POLICE PURSUIT VEHICLES AND ONE (1) 2004 FORD EXPLORER 4X2 POLICE VEHICLE, PURSUANT TO FLORIDA STATE CONTRACT NO. 03-11-0825.**

ADMINISTRATION

Approve the issuance of a purchase order.

BID AMOUNT AND FUNDING

\$294,270.00 Fleet Management Replacement Fund 510.1780.000673

ANALYSIS

The fourteen (14) 2004 Ford Crown Victoria Police pursuit vehicles and one (1) 2004 Ford Explorer 4x2 Police Administrative vehicle are budgeted replacements and are funded by the Fleet Management Replacement Fund. These vehicles were scheduled to be replaced in Fiscal Year 2001-2002 but were retained for an additional year because of their condition. They should now be replaced.

The vehicles listed below have met or exceeded the established criteria for replacement:

Veh#	Dept.	Year	MakeModel	Mileage	Life to Date Maintenance	Condition
2229	1120	1996	Crown Vic	41,613	\$5,304.00	Poor
2262	1120	1997	Crown Vic	42,234	\$3,801.30	Fair
2265	1120	1997	Crown Vic	47,077	\$6,500.77	Poor
2280	1120	1997	Crown Vic	70,922	\$5,129.52	Poor
2291	1120	1997	Crown Vic	48,678	\$2,862.30	Fair
2292	1120	1997	Crown Vic	62,675	\$2,995.95	Poor
2295	1120	1997	Crown Vic	69,154	\$3,835.53	Poor
2305	1120	1997	Crown Vic	59,329	\$4,675.20	Poor
2315	1120	1997	Crown Vic	68,853	\$5,283.49	Poor
2317	1120	1997	Crown Vic	54,853	\$5,435.74	Poor
2319	1120	1997	Crown Vic	35,389	\$6,297.48	Poor
2326	1120	1997	Crown Vic	51,736	\$9,755.18	Poor
2327	1120	1997	Crown Vic	71,338	\$6,503.52	Poor
2330	1120	1998	Crown Vic	63,710	\$7,739.02	Poor
2337	1120	1998	Crown Vic	117,130	\$7,240.70	Poor

The criteria are based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

The Administration recommends that the City Commission authorize the issuance of a purchase order against Florida State contract 03-11-0825.

A handwritten signature in black ink, appearing to be 'JMG' or similar, is written over the printed name.

JMG/RCM/GL/AET/mo

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY



Condensed Title:

Request for approval to issue a purchase order to Altec Industries, Inc., in the amount of \$54,687.00, for the purchase of one (1) 2004 Ford F-350 diesel Cab & Chassis mounted with an Altec AT200 non-insulated aerial device, pursuant to General Services Administration Contract No. GS-30F-1028G.

Issue:

Whether to approve the issuance of a purchase order pursuant to General Services Administration Contract No. GS-30F-1028G?

Item Summary/Recommendation:

The 2004 Ford F-350 diesel cab & chassis mounted with an Altec AT200 aerial device has been included in the 2004 budget and will be funded by the Fleet Management Replacement Fund. The vehicle will be equipped with a diesel engine, non-insulated boom, utility body, torsion bar suspension, aluminum ladder rack and trailer tow package. It will be used by the Public Works Street Lighting Division to maintain street lights and lighting outages throughout the City which increases this divisions capabilities.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	\$ 54,687.00	510.1780.000673 Fleet Management Replacement Fund	
	2			
	3			
	4			
	Total	\$ 54,687.00		

City Clerk's Office Legislative Tracking:

Andrew Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Andrew Terpak, Fleet Mgt.		

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AGENDA ITEM

C2B

DATE

1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **REQUEST FOR APPROVAL TO ISSUE A PURCHASE ORDER TO ALTEC INDUSTRIES, INC., IN THE AMOUNT OF \$54,687.00, FOR THE PURCHASE OF ONE (1) 2004 FORD F-350 DIESEL CAB & CHASSIS MOUNTED WITH AN ALTEC AT200 NON-INSULATED AERIAL DEVICE, PURSUANT TO GENERAL SERVICES ADMINISTRATION CONTRACT NO. GS-30F-1028G.**

ADMINISTRATION RECOMMENDATION

Approve the issuance of a Purchase Order.

BID AMOUNT AND FUNDING

\$54,687.00

Fleet Management Replacement Fund

510.1780.000673

ANALYSIS

The 2004 Ford F-350 Diesel cab & chassis mounted with an Altec AT200 aerial device has been included in the 2004 budget and will be funded by the Fleet Management Replacement Fund. This vehicle will be used by the Public Works Street Lighting Division to maintain street lights citywide. The vehicle will be assigned to one of three of the Division's licensed electricians and will effectively increase the Division's capabilities in servicing citywide street lighting outages.

This aerial device vehicle will be equipped with a non-insulated boom that reaches a total working height of 36 feet with a side reach of 21 feet. The vehicle will have a utility service body, an aluminum ladder rack, trailer tow package and torsion bar suspension and will be mounted on a 2004 Ford F-350 cab and chassis with a diesel engine.

The Public Works Department has determined that four pieces of existing equipment which are scheduled for replacement are obsolete and/or have been replaced by more productive equipment. As an example, in July 2002, the City purchased a five (5) cubic yard concrete truck to increase productivity and reduce the need for mixing concrete manually in small quantities. The equipment replacement funds made available by not purchasing these unneeded items will be used to purchase the aerial truck that will increase the capabilities of the Street Lighting Division.

The Administration recommends that the City Commission authorize the issuance of a purchase order against General Services Administration Contract No. GS-30F-1028G.

JMG/RCM/GL/AET/mo

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Request For Approval to Award Contracts to Condo Electric Repair Inc., TAW Miami Service Center, and Electrix USA, Inc., Pursuant to Invitation to Bid No. 47-02/03, for the Electric Motor Rewind and Repair Services in the Estimated Annual Amount Of \$300,000.

Issue:

Shall the City Commission Award Contracts to Condo Electric Motor Inc., TAW Miami Service Center, and Electrix USA, Inc.?

Item Summary/Recommendation:

The work specified in the Bid consists of furnishing all labor, machinery, tools, means of transportation, supplies, equipment, materials and services necessary for the repair and replacement of various types of electric motors on an as-needed basis. The repair services to be provided, are the rewinding of stators and rotors, replacements of bearings and seals, complete motor repair, rewinding of transformers, machining, crane service, and additional services when required. Additionally, the Bid Specifications allow for the acquisition of new motors, the purchase of repair or replacement of parts, and repair services in the field or in the bidders' shop, as determined by the City.

As part of the requirements of the Bid, bidders were required to comply with a checklist of minimum qualification requirements, which indicates that their shops meet or exceed the minimum industry standards. This resulted in the following 3 bidders meeting all necessary requirements and they are:

- 1) Condo Electric Motor Repair, Inc.
- 2) TAW Miami Service Center
- 3) Electrix USA, Inc.

Advisory Board Recommendation:

N/A

Financial Information:

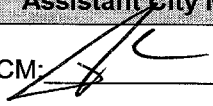

Source of Funds:	Amount		Account	Approved
	1	\$75,000	425.0410.000.342	
	2	\$100,000	425.0420.000.342	
	3	\$125,000	191.4400.000.481	
	4			
	Total	\$300,000		

Finance Dept.

City Clerk's Office Legislative Tracking:

Gus Lopez, Ext.6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FB: _____	RCM:  _____	JMG:  _____

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AGENDA ITEM C2C
DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **REQUEST FOR APPROVAL TO AWARD A CONTRACT TO CONDO ELECTRIC MOTOR REPAIR INC, TAW MIAMI SERVICE CENTER AND ELECTRIX USA, INC., PURSUANT TO INVITATION TO BID NO. 47-02/03 FOR THE ELECTRIC MOTOR REWIND AND REPAIR SERVICES IN THE ESTIMATED ANNUAL AMOUNT OF \$300,000.**

ADMINISTRATION RECOMMENDATION

Approve the Award.

FUNDING

	Funding is available from the following Public Works Account Numbers:
\$75,000	Account No. 425.0410.000.342
\$100,000	Account No. 425.0420.000.342
\$125,000	Account No. 191.4400.000.481

ANALYSIS

The purpose of this Invitation to Bid No. 47-02/03 (the "Bid") is to establish a contract, by means of sealed bids, to the lowest and best bidder(s) for the electric motor rewind and repair services, on an as needed basis.

The work specified in the Bid consists of furnishing all labor, machinery, tools, means of transportation, supplies, equipment, materials and services necessary for the repair and replacement of various types of electric motors on an as-needed basis. The repair services to be provided are the rewinding of stators and rotors, replacements of bearings and seals, complete motor repair, rewinding of transformers, machining, crane services, and additional services when required. Additionally, the Bid Specifications allows for the acquisition of new motors, the purchase of repair or replacement of parts, and repair services in the field or in the bidders' shop, as determined by the City.

The Bid was issued on August 18, 2003, with an opening date of September 19, 2003. A pre-bid conference was held on August 27, 2003. BidNet® issued bid notices to 10 prospective bidders, resulting in five (5) vendors requesting bid packages, which resulted in the receipt of three (3) responsive bids, and three (3) non-responsive bids.

ANALYSIS (cont.)

As part of the Bid requirements, bidders were required to comply with a minimum qualifications requirement that required their shops to meet or exceed the minimum industry standards. This resulted in the following 3 bidders meeting all necessary qualification requirements:

- 1) Condo Electric Motor Repair, Inc.
- 2) TAW Miami Service Center
- 3) Electrix USA, Inc.

These qualified bidders will be required to provide quotes for each motor for rewind and/or repair, on an as needed basis. Each work order will be awarded to the bidders' that provides the lowest and best quote.

All Public Works motors are Underwriters Laboratories (UL), and must be repaired by an approved UL certified shop. The following bidders were deemed non-responsive for not being UL certified:

- 1) FGM Electric Co.
- 2) Miami Industrial Motor Inc.
- 3) TAC Armature and Pumps

The tabulated results of the responsive bidders are attached (**See Attachment #1**) with the not to exceed hourly labor rates of the various types of repair required (**See Attachment #2**). Historically, on the open-market (without formal competitive bidding), the City has paid labor rates between \$22.00 and \$24.00 per hour.

References have been checked by Procurement staff and Condo Electric Motor Repair, Inc, TAW Miami Service Center, and Electrix USA, Inc. all come highly recommended. Pursuant to the reference checks, the information provided indicates that these Companies provide quality work and completes all jobs within the required completion dates.

Public Works conducted a site visit to Condo Electric Motor Repair, Inc, TAW Miami Service Center and Electrix USA, Inc. to **ensure compliance** with the minimum qualification requirements as stated in the Bid, and determined that the 3 bidders met the minimum qualification requirements.

The contract term will become effective upon execution of contract book, and will expire on December 31, 2004. Provided bidders will agree to maintain the same price, terms and conditions of the current contract, the contracts may be extended for an additional two (2) years, on a year-to-year basis.

CONCLUSION

The Administration recommends that contracts be awarded to Condo Electric Motor Repair Inc., TAW Miami Service Center, and Electrix USA Inc., pursuant to Bid No. 47-02/03, for the electric motor rewind and repair services in the estimated annual amount of \$300,000.

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**ATTACHMENT No.1
PRE QUALIFICATION OF SHOP**

PRE QUALIFICATIONS OF SHOPS

PRE QUALIFICATION REQUIREMENT FOR SHOPS.	Condo Electric Motor Repair, Inc.	FGM Electric Co.	TAW Miami Service Center	Miami Industrial Motor Inc.	Electrix USA, Inc.	TAC Armature and Pumps.
Ability to trace, monitors, and log all repair work.	yes	yes	yes	yes	yes	yes
Bearings used shall be FAG or SKF only.	yes	yes	yes	yes	yes	yes
VPI required on form coil jobs.	yes	yes	yes	yes	yes	yes
Magnet wire type inverter rated wire	yes	yes	yes	yes	yes	yes
Varnish to be solvent free UL (United Listing) approved	yes	yes	yes	no	yes	yes
Motor shop must be UL (United Listing) certified.	yes	no	yes	no	yes	no
2300/4160-volt test panel on site.	yes	yes	yes	no	yes	yes
Motor shop must have Department Environmental Regulation Management (DERM) certified paint booth	yes	yes	yes	no	yes	yes
Motor shop must have DERM certificated pollution control	yes	yes	yes	yes	yes	yes
Motor shop must have DERM certified wastewater treatment	yes	yes	yes	yes	yes	yes

PRE QUALIFICATION OF SHOP Cont.

PRE QUALIFICATION REQUIREMENT FOR SHOPS.	Condo Electric Motor Repair, Inc.	FGM Electric Co.	TAW Miami Service Center	Miami Industrial Motor Inc.	Electrix USA, Inc.	TAC Armature and Pumps.
Fully enclosed dust free sand blast facilities with minimum of 350 cubic	yes	yes	yes	yes	yes	yes
Rewind area must be a clean air-conditioned/good ventilated environment.	yes	yes	yes	yes	yes	yes
All machines welding must be TIG or spray welding	yes	yes	yes	yes	yes	yes
Must have a lathe with at least 48" swing 120" between center.	yes	yes	yes	yes	yes	yes
One year past history of varnish test certificates on file	yes	yes	yes	yes	yes	yes
Motor shop must have dynamic balance and trim balance capabilities	yes	yes	yes	yes	yes	yes

The listed Bidders certified their shops with the understanding that the **City reserves the right to visit and inspect their facility to ensure compliance** with the minimum requirement as stated herein the Bid

ATTACHMENT No.2

COST NOT TO EXCEED TABULATION SHEETS.

Repair Required	Condo Electric Motor Repair, Inc.	FGM Electric Co.	TAW Miami Service Center	Miami Industrial Motor Inc.	Electrix USA, Inc.	TAC Armature and Pumps.
Dismantle, Inspect & clean all Parts	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Brushers	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Brush-Holder	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Insulator Bars	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Thermal-Overloads	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Heater	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Shaft	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Bearing Journals	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Key-ways	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
End Bells	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Replace Slip-rings	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Repair Slip-rings	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Bearing (Roller-Ball)	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Babbitt Bearings	\$11.50 / hr.	\$18.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Electrical Wiring	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Rewind Rotor	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Rewind Stator	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Coils	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Balance Rotor	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Balance Rotor & Armature	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Bake & Dip	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.

COST NOT TO EXCEED TABULATION SHEETS Cont.

Repair Required	Condo Electric Motor Repair, Inc.	FGM Electric Co.	TAW Miami Service Center	Miami Industrial Motor Inc.	Electrix USA, Inc.	TAC Armature and Pumps.
Assemble, Test and Refinish Unit	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
New Falk Coupling (Type)	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Overhead Bride, 1 to 5 tons	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Floor Crane	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Horizontal/Vertical presses, 5 to 120 tons	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Lathes, 24 to 72 inches swing	\$11.50 / hr.	\$18.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Dynamic Bal. machines, 0 to 12,000#s	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Wire and/or power gun metalizing equipment	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Milling Machines 6ft minimum	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Heliarc & Tig Welding equipment	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Bearing Heater 5 to 15 inches	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Bearing Pullers, Hydraulic to 40 tons	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Portable Balancers	\$11.50 / hr.	\$17.00 / hr.	\$15.00 / hr.	N/A	\$45.00 / hr.	\$50.00 / hr.
Vibration Testers	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Laser Aligners	\$11.50 / hr.	N/A	\$15.00 / hr.	N/A	\$90.00 / hr.	\$50.00 / hr.
Sandblasting Cabinets	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Water Blasting Machines	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Facilities to produce Form Wound Coils	\$11.50 / hr.	N/A	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	N/A
Air Conditioned isolated area for rewinding	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	N/A	\$45.00 / hr.	\$50.00 / hr.

COST NOT TO EXCEED TABULATION SHEETS Cont.

Repair Required	Condo Electric Motor Repair, Inc.	FGM Electric Co.	TAW Miami Service Center	Miami Industrial Motor Inc.	*Electrix USA, Inc.	TAC Armature and Pumps.
Painting (see #14 of section 3.0)	\$11.50 / hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Other repairs will be negotiated.	X	X	X	X	X	X
Emergency Service Cost (See #6 of section 3.0)	\$12.95 / hr.	\$20.00 / hr.	\$22.00 / hr.	\$52.50 / hr.	\$75.00 / hr.	\$75.00 / hr.
Over time cost (Section 2.16)	\$12.95 / hr.	\$20.00 / hr.	\$22.00 / hr.	\$70.00 / hr.	\$75.00 / hr.	\$75.00 / hr.
Crane Service	\$85.00/hr	\$120.00 / hr.	\$65.00 / hr.	\$150.00 / hr.	\$106.00	\$75.00
Crane Service for four (4) hours (See #8 of section 3.0) flat fee	\$340.00	\$480.00	\$260.00	\$450.00	\$424.00	\$200.00
Regular hourly rate for machine work (See #7 of section 3.0)	\$11.50 / hr	\$18.00 / hr.	\$15.00 / hr.	\$45.00 / hr.	\$65.00 / hr.	\$50.00 / hr.
Hourly labor rate for repairs (in accordance with Section 2.16 of the Special Conditions)	\$11.50/hr.	\$15.00 / hr.	\$15.00 / hr.	\$35.00 / hr.	\$45.00 / hr.	\$50.00 / hr.
Delivery Days	1 to 3 days	4 days	5 days	N/A	N/A	5 days
Warranty Years for Parts (Page 33). (A minimum of one year warranty)	1 year	1 year	1 year	1 year	1 year	1 year
Warranty Years for Labor (Section 2.17). (A minimum of one year warranty)	1 year	1 year	1 year	1 year	1 year	1 year

- The Prices on this tabulation are "Cost not to exceed".
- THE CITY HAS THE OPTION TO NEGOTIATE ALL OF THE ABOVE COSTS.
- An "X" indicates an acceptance to negotiate other repairs not listed.
- *Electrix USA, Inc will provide 90 days on recondition motor on both warranties for parts and labor.

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: REFERRAL TO THE NEIGHBORHOODS / COMMUNITY AFFAIRS
COMMITTEE - DISCUSSION CONCERNING POTENTIAL ENHANCEMENTS
TO THE PINE TREE BARK PARK.

ADMINISTRATION RECOMMENDATION

Refer the item.

Background

Over the past several years the City has responded positively to our residents' requests for a revitalized parks and recreation system. This can be evidenced by the on-going construction of new facilities citywide. One such facility frequently requested by our residents has been a "Bark Park", an enclosed area in a park where patrons may bring their dog to run free, interact with other dogs and where the dog owners can relax and socialize with their neighbors. In response to this request the City has constructed two bark parks, one in Flamingo Park and the other in Pine Tree Park.

The bark parks are very well received and heavily utilized by our residents and their pets. So much so that a group of residents patronizing the Pine Tree bark park have requested it be expanded in size and amenities be added to make it even more attractive and user friendly. One of the residents has gone to the point of generously offering a donation of \$25,000 to expand and enhance the Pine Tree bark park.

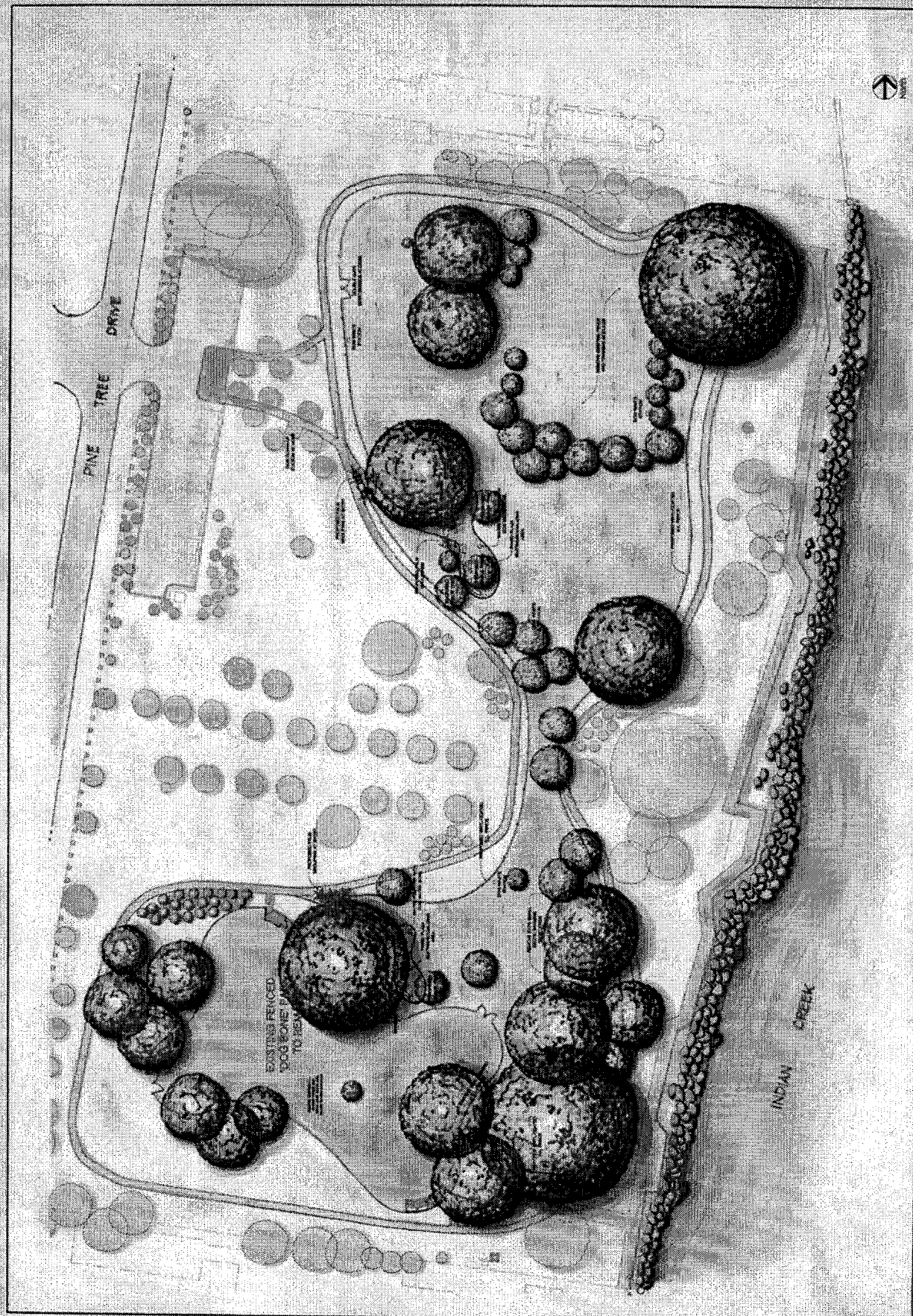
Working with a few of the residents who take their dogs to the Pine Tree facility, the Parks and Recreation Administration has developed the attached conceptual layout and preliminary estimate for a Pine Tree dog park expansion. It is the Administration's plan to present this concept to the Parks and Recreational Facilities Board meeting on January 7, 2004, for their comments, review and input. Additional meeting(s) to present the concept to the community are also being planned.

It is requested this issue be added to the next available Neighborhoods / Community Affairs Committee for discussion and guidance.

JMG/RCM/KS

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Agenda Item C4A
Date 1-14-04



 CITY OF MIAMI, FLORIDA PARKS AND RECREATION DEPT. <small>3000 BAYVIEW BLVD., SUITE 1000, MIAMI, FL 33133</small>	PINETREE PARK DOG PARK EXPANSION		CITY MANAGER: JIMMY J. LOMAX CITY CLERK: JILL M. BROWN		DESIGNED BY: [blank] DRAWN BY: [blank] CHECKED BY: [blank] SCALE: [blank]	NO. [blank] DATE [blank]	REVISION [blank] DATE [blank]	APPLICANT [blank] DATE [blank]	PROJECT NUMBER [blank] DATE [blank]	MASTER CONCEPT PLAN
			TOTAL [blank]							

FEATURES OF PROPOSED DOG PARK ADDITION

Phase I...\$33,100 (partially funded)

- New vinyl-coated (colored) chain link fence perimeter
- Removal of exotic, invasive understory vegetation at southeast corner of park
- New asphalt-paved/double-gated entrance and paved sitting/socializing plaza area inside new dog park expansion
- Seating bench, trash receptacle, and (2) dog waste stations

Phase II...\$43,200 (currently unfunded)

- Additional asphalt-paved entrance and plaza area inside new dog park expansion
- New landscaping at proposed dog park gate entries and sitting/socializing plazas
- A total of (8) ribbon-style benches, (2) ribbon-style trash receptacles, (2) dog bowl-type water fountains, and (4) dog waste stations
- New dog cleaning/rinsing station
- Demolition and removal of existing police dog training area at north end of park

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CITY OF MIAMI BEACH

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www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE
– DISCUSSION REGARDING THE REVIEW, ASSESSMENT, AND
RECOMMENDED STRUCTURE OF THE GREATER MIAMI CONVENTION
AND VISITORS BUREAU CONDUCTED BY ECONOMIC RESEARCH
ASSOCIATES (ERA).

ANALYSIS

On May 22, 2002, the Mayor and City Commission adopted Resolution No. 2002-24854, authorizing the renewal of the Agreement between the City of Miami Beach and the Greater Miami Convention and Visitors Bureau (the "Bureau") conditioned upon the issuance of a Request for Proposals (RFP) to review and assess the current Bureau governance, structure, processes and overall operations, and make recommendations as to what model and/or structure should provide the services to achieve optimal sales, marketing, and public relations efforts to enhance the City's Tourism and Convention Industries.

On July 31, 2002, the Mayor and City Commission discussed whether the City of Miami Beach should participate with Miami-Dade County and the City of Miami in a collaborative study and evaluation of the Bureau, and elected to conduct its own study.

On November 13, 2002 the Mayor and City Commission adopted Resolution No. 2002-25072 and authorized a contract with ERA to:

- Review and assess the Bureau governance, structure, processes and overall operations;
- Make recommendations as to what type of model/structure should exist to enhance the City of Miami Beach's tourism and convention industries;
- Compare and provide a comprehensive report on Bureau operations relative to industry standards; and

The Administration recommends that the Mayor and City Commission refer the review, assessment, and recommended structure of the Greater Miami Convention and Visitors Bureau conducted by Economic Research Associates to the Finance and Citywide Projects Committee.

JMG/CMC/rar

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Agenda Item C4B
Date 1-14-04

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CITY OF MIAMI BEACH

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www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

**Subject: REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE
MEETING OF DECEMBER 5, 2003.**

A special meeting of the Finance and Citywide Projects Committee was held December 5, 2003 at 2:14 p.m. in the City Manager's Large Conference Room.

Finance and Citywide Projects Committee Chairperson Vice-Mayor Jose Smith, Commissioner Luis R. Garcia, Jr., and Commissioner Richard Steinberg were in attendance.

City staff was represented by: Jorge M. Gonzalez, City Manager; Patricia D. Walker, Chief Financial Officer; Christina M. Cuervo, Assistant City Manager; Robert C. Middaugh, Assistant City Manager; Jorge Chartrand, Assistant Capital Improvement Projects Director; Ronnie Singer, Community Information Manager; Kristin McKew, Capital Projects Administrator; Saul Frances, Parking Director; Kevin Crowder, Economic Development Division Director; Anna Parekh, Redevelopment Coordinator; Floyd Jordan, Fire Chief; Edward Del Favero, Assistant Fire Chief; Eric Yuhr, Assistant Fire Chief; Manuel Marquez, Finance Manager; and Odessa Pinder, Executive Office Associate I.

Others in attendance included:

Luis Reiter, Squire, Sanders & Dempsey; Al Brizuela and Steve Suarez, representing Jasco Construction; Brandon Trentler, Park One; Steven Sonenreich, Alex Mendez, Amy Perry, Arnold Jaffe, Charlene Welker, Paul Katz, Martha Smith, Steven Fine, Karen Moyer, and Roland Kohen representing the Mount Sinai Medical Center; and Leonard Wien, Jr., General Obligation (G.O.) Bond Oversight Committee.

1. Discussion on Fire Station No. 2.

ACTION

The Committee recommended the City of Miami Beach Commission:

- accept the guaranteed maximum price (GMP) proposed by Jasco Construction (Jasco)
- authorize the Administration to negotiate and award the fire station No. 2 contract to Jasco
- appropriate the necessary funding for completion of the project.

Agenda Item CGA

Date 1-14-04

City Manager Jorge M. Gonzalez introduced and summarized the item. Mr. Gonzalez reported that Jasco Construction is approximately 46% complete with their construction manager (CM) at risk contract awarded in February 2003 for the first portion of the renovation and expansion of the Fire Station No. 2 project, which included the two water tanks and pumping station, additional site work in the public works yard, and the demolition of the existing water tank.

Mr. Gonzalez stated that Jasco has done a great job on Phase I of the project. Mr. Gonzalez further stated that Phase I of the project is on schedule and within budget.

Mr. Gonzalez stated that Jasco has now finalized and submitted their GMP proposal for phase II of the project which includes the construction of the new Fire Station, renovation of the historic existing building, and completion of the site storm drainage system. The proposed GMP submitted by Jasco amounts to \$8,096,580. Mr. Gonzalez reported that it is the recommendation of Administration to accept the GMP proposed by Jasco and appropriate the remaining funding necessary for completion of the project.

Mr. Leonard Wein, G.O. Bond Oversight Committee Member, reported that his committee had reviewed and accepted the proposed GMP at their December 1, 2003 meeting.

Assistant City Manager Robert C. Middaugh gave a summary outlining the budget which was initially established in 1996. Mr. Middaugh explained that the initial budget did not contain items which were later added to the project, such as an emergency operations center, hurricane-category 5 upgrades to the fire station building, and additional site work.

Mr. Gonzalez stated that the GMP proposed by Jasco has been reviewed and the budget has been approved by the Fire Station No. 2 Master Plan architect, STA Architectural Group.

Commissioner Richard Steinberg made a motion recommending the City of Miami Beach Commission: accept the GMP proposed by Jasco; authorize the Administration to negotiate and award the Fire Station No. 2 contract to Jasco; and appropriate the necessary funding for completion of the project. Commissioner Luis R. Garcia, Jr. seconded the motion. Voice vote was taken. Motion passes unanimously.

- 2. A Resolution of Mayor and Members of the City Commission of the City of Miami Beach authorizing the City Manager to Decline in Writing the Right of First Offer Transaction as Required Pursuant to The Terms Of Section 36.2 Of The Agreement Of Lease ("Lease") Between City Of Miami Beach, Florida ("Owner") And Pelican Development, LLC ("Tenant") Dated As Of December 1, 1999; further authorizing the City Manager and City Attorney to Approve/Disapprove The Transfer Of Tenant's Leasehold Interest In The Project As Required Under The Terms Of Section 10.5 Of The Agreement Of Lease upon completion of the City's review of information, as provided in the Lease, relative to the proposed Transfer of the Project.**

ACTION

No action necessary. Status update was given.

City Manager Jorge M. Gonzalez introduced and summarized the item. Mr. Gonzalez stated that on December 30, 1997, the City of Miami Beach issued an RFP seeking proposals for the development of public-private parking facilities. On April 6, 1998, proposals from five (5) different development teams were submitted and evaluated by an evaluation committee and on July 15, 1998, the City Commission authorized negotiations with four (4) of the proposed development projects.

Mr. Gonzalez explained that as a result of negotiations, the Commission adopted a Resolution approving an Agreement of Lease and a Development Agreement between the City of Miami Beach and Pelican Development LLC, for Development of the site located at 10th Street and Collins Avenue.

Assistant City Manager Christina M. Cuervo described Article 10 of the Lease, which deals with the sale of the project, transfer and subletting. Ms. Cuervo stated that Pelican Development LLC is requesting the City's approval of the proposed sale and assignment of Pelican Development LLC's 100% interest in the leasehold to Ocean Blvd II LLC, and/or its permitted assigns.

Mr. Gonzalez stated that Pelican Development LLC has provided the City, as owner, with notice of the proposed sale. Mr. Gonzalez explained how the Lease provides that the City, as part of its approval process, may within 10 business days request additional information in connection with the proposed transfer of the project and to evaluate the proposed purchaser of the project. Mr. Gonzalez added that the City will be requesting this information and bringing a draft letter to the December 10, 2003 Commission meeting.

Mr. Gonzalez stated that since the Offer Notice was received on November 25, 2003, the Agreement provides that the City must approve or disapprove the proposed transfer within 45 days, or by January 9, 2004, which is prior to the next City Commission meeting date, scheduled for January 14, 2004. Mr. Gonzalez added that in order to comply with the contractual deadlines in a timely manner, the Administration will be recommending a resolution which delegates authority to the City Manager to approve/disapprove the transfer of Tenant's leasehold interest in the project upon completion of the City's evaluation of information in connection with the proposed transfer of the project and the proposed purchaser.

Mr. Gonzalez also informed the Committee of the City's owner's right of first refusal. Mr. Gonzalez further explained that as owner, the City has the right to elect in writing, within 45 days after owner's receipt of the offer notice, to consummate the right of first offer transaction at the same price and upon such other material terms set forth in the Offer Notice.

Mr. Gonzalez explained that the offer notice contains a purchase price of \$12,000,000 from Ocean Blvd II, LLC. Mr. Gonzalez also added that Park One has been selected by Ocean Blvd II to operate and manage the garage for an initial five year term, with subsequent one year renewals.

Mr. Gonzalez stated that because of the high purchase price and the high cost of operating a parking garage with a limited potential to be a money maker for the City, the Administration will not be recommending the City exercise their right to purchase the garage. Furthermore, Mr. Gonzalez stated that the Administration will recommend the City consent to the proposed sale.

Ms. Cuervo described the Pelican Development project, which consists of total building area of 129,661 square feet with 344 parking spaces and 6,740 square feet of retail space. Ms. Cuervo addressed concerns of the Committee pertaining to minimum public parking requirements and minimum permissible fees.

Ms. Cuervo stated that the Commission will review a Resolution pertaining to this item at the December 10, 2003 Commission Meeting.

3. Update of Mt. Sinai Financial Status - Issuance of Bonds to refinance Existing Issues.

ACTION

No action necessary. Status update was given along with a PowerPoint Presentation.

Mr. Steven Sonenreich, President and Chief Executive Officer, and Mr. Alex Mendez, Senior Vice President and Chief Financial Officer, of the Mount Sinai Medical Center (MSMC) gave a PowerPoint presentation outlining the current financial performance and future projections for the hospital.

Mr. Mendez gave a summary detailing the hospital's Bond Refinancing Plan. Mr. Mendez stated that on December 10, 2003, the Commission will be hearing an item authorizing the issuance and sale of not to exceed \$115,000,000 principal amount of City of Miami Beach Health Facilities Authority (HFA) Hospital Revenue Refunding Bonds, Series 2004. Mr. Sonenreich informed the Committee that Standard and Poor's, Moodys, and Fitch's had all increased MSMC's outlook rating from negative to stable. Mr. Sonenreich further stated that on December 3, 2003 the HFA voted unanimously in favor of approving the proposed bond issue.

Ms. Patricia D. Walker stated that the proposed Revenue Refunding Bonds, Series 2004, will refinance the City of Miami Beach HFA Hospital Revenue Bonds, Series 2001 B and 2001 C, issued on behalf of MSMC. Ms. Walker further stated that the proposed refunding will achieve interest savings, as interest rates have significantly improved in the capital market since these bonds were originally issued. Mr. Mendez added that the refinancing will allow for the conversion of the 2001 C Bonds from taxable to tax-exempt debt and the refinancing will also address the potential liquidity issues created by the structure of the Series 2001 B and 2001 C Bonds, which offer bondholders a put provision.

Mr. Luis Reiter, Bond Counsel from the firm of Squire, Sanders & Dempsey, stated that the Bonds and the interest thereon, shall not be deemed to constitute a debt, liability or obligation of the City of Miami Beach or the HFA and shall be payable solely by the MSMC.

Mr. Mendez stated that the MSMC is in receipt of a Notice of Events of Default from SunTrust Bank. SunTrust Bank is the registered trustee for the Medical Center's Series 1998 and Series 2001 Bonds. Mr. Mendez added that MSMC and their counsel have stated that it is their position that the technical defaults noted in the Notice of Events of Default do not and did not exist.

Mr. Mendez further stated that the claimed defaults are based on technical defaults, all which arise as a consequence of the application of a test contained in the Master Trust Indenture. Mr. Mendez added that the event that formed the basis of the claimed technical defaults did not exist, and their counsel and accountants are working together to resolve this matter. Mr. Mendez also stated that the claimed defaults are not based on the Medical Center's current financial condition or because of any missed payments.

Mr. Sonenreich stated that MSMC's auditors have agreed to restate the Medical Center's FY 2002 financial statements and have sent a draft copy to the trustee. Mr. Sonenreich stated he expects the trustee to withdraw the default notice as a result of the restatement of the coverage test by the auditors.

Ms. Walker stated that the City Manager has agreed to allow the MSMC HFA Bonds to remain on the December 10, 2003 Commission Agenda as long as the Medical Center is successful in obtaining a withdrawal of their default notice from their trustee by Tuesday, December 9, 2003. If the default notice is not withdrawn, by December 9, 2003, the City Manager will remove the item from the Agenda and will not place the Bond Issue back on a future agenda until all defaults are cleared.

Ms. Walker and Mr. Reiter informed the Committee that the HFA had granted a waiver to the Medical Center regarding a requirement for a traveling Sophisticated Investor Letter, and certain other requirements under the Authority's Administrative Procedures.

Mr. Reiter stated that the waiver has been reviewed and approved by his firm, Squire, Sanders, & Dempsey, and HFA Financial Advisor, William R. Hough & Co as reasonable and necessary in order to make the bonds saleable. Mr. Reiter added that MSMC has also agreed to: increase the minimum denomination of any of the bonds from the required \$50,000 to no less than \$100,000; and have the bonds rated by the three major rating agencies. Mr. Reiter stated that the waiver will improve the marketability of the Series 2004 Bonds while continuing to enforce the HFA's objective of protecting unsophisticated investors from investing in high-risk securities.

The meeting adjourned at 3:33 p.m.

JMG/PDW/mim

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CITY OF MIAMI BEACH

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

**Subject: REPORT OF THE DECEMBER 8, 2003 - LAND USE AND DEVELOPMENT
COMMITTEE MEETING**

1. Discussion On How To Propose Legislation To Create And Adopt A Dune Project In Conjunction With The Miami Beach Parks And Recreation Department, Ecomb, Teen Job Corp And The Miami Dade Extension. Referred from July 30, 2003 City Commission meeting.

Deborah Ruggiero described the "Adopt on Dune" project. Fred Beckmann, Robert Middaugh discussed the dune restoration project as part of the Beach Walk improvements.

Motion: To direct the Administration to adopt the "Save a Dune Program" and report back to the full Commission within 60 days (February 8th)(Vote 3-0)

2. Discussion Regarding A Resolution To Consider An Amendment To The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code; Division 13, "MXE Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public As A Conditional Use In This Zoning District. Referred from November 25, 2003 City Commission meeting.

Motion: Approve the modification to add banquet facilities to the list of Conditional Uses in the MXE District. Administration to take issue back to the Planning Board for proper public notice and to contact MDPL and advise them of issue. (Vote 3-0)

3. Discussion on North Shore Traffic Study. Referred from November 25, 2003 City Commission meeting.

Motion: Refer the item for discussion to the full Commission. (Vote 3-0)

4. Discussion Regarding Approval Of The Location Of The Miami Beach Convention Center For Conventions, Expositions Or Events Involving Adult Materials. Referred from November 25, 2003 City Commission meeting.

Matthew Bank explained the nature of the adult entertainment trade show. Mr. Joe Fontana was concerned that this item was not brought to the Convention Center Advisory Board.

Motion: To discuss with the full Commission.

Agenda Item C6B
Date 1-14-04

January 14, 2003

Commission Memorandum

Land Use and Development Committee Report – December 8, 2003

Page 2 of 2

5. Discussion Regarding Ordinance Amendment To Allow Commercial And Retail Accessory Uses In Apartment Buildings In The Rm-2, Residential Multifamily Medium Intensity Zoning District. Referred from November 25, 2003 City Commission meeting.

Motion: Refer the item for discussion to the full commission. (Vote 3-0)

JMG/CMC/JGG/rar

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

**Subject: REPORT OF THE COMMUNITY AFFAIRS COMMITTEE MEETING OF
DECEMBER 9, 2003**

A Meeting of the Community Affairs Committee was held on Tuesday, December 9, 2003. Commissioner Simon Cruz called the meeting to order at 3:40 p.m. Commissioners Luis R. Garcia, Jr., Saul Gross and Matti H. Bower were in attendance. An attendance sheet for the meeting is attached hereto.

NEW BUSINESS

1. DISCUSSION ON ALCOHOL AND NUDITY ORDINANCE.

A motion was made to recommend to the City Commission the Ordinance reviewed by the Planning Board, additionally to prohibit patrons under 21 years of age unless a full kitchen is provided and operated.

Commissioner Cruz will provide guidance to the proponent of the Ordinance regarding a modification to the sign. Any changes to the signs shall be approved by the Historic Preservation Board or the Design Review Board depending on which Board has jurisdiction.

JMG\MDB\lcd *MDB*

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Agenda Item CGC
Date 1-14-04

COMMUNITY AFFAIRS COMMITTEE MEETING
TUESDAY, DECEMBER 9, 2003 AT 3:30 P.M.
CITY MANAGER'S LARGE CONFERENCE ROOM

SIGN IN SHEET

NAME	ADDRESS	PHONE	E-MAIL ADDRESS
Maynard Buttacore	City Hall	x 7010	
Mattie A. Bowers			
G Held		6532	
Jorge Gomez	CMB Planning	7550	
Richard Lorber	CMB Planning	7550	
A Children	CMB Code Compliance	7555	archie@com.burlington.com
ROMAN JONES	136 COLLINS AV.	531-5535	OPUDMAN@MAC.COM
STEVE POLISAR	407 LINCOLN RD - 2-A	305 672-7772	
MURRIS SUNSHINE	Marian Beach		MC@the-beach.net
MARGARITA ALCON	CMB	6743	
WAGNER	311-501 27th Ave, Miami, FL	305-855-2000	Wagner@sgc.org
Robert L. Roth	3155 Miami Ave	305-856-8078	
Leslie Camadaville	311 SW 27th Ave - MIA		
David Kelley	1537 WASHINGTON AVE - MIA	305 534-2000	
Saul Gross	407 Lincoln Rd #12H	679-0440	

**COMMUNITY AFFAIRS COMMITTEE MEETING
TUESDAY, DECEMBER 9, 2003 AT 3:30 P.M.
CITY MANAGER'S LARGE CONFERENCE ROOM**

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

**Subject: REPORT OF THE COMMUNITY AFFAIRS COMMITTEE MEETING OF
DECEMBER 16, 2003**

A Meeting of the Community Affairs Committee was held on Tuesday, December 16, 2003. Commissioner Simon Cruz called the meeting to order at 2:45 p.m. Commissioners Saul Gross and Matti H. Bower were in attendance. An attendance sheet for the meeting is attached hereto.

OLD BUSINESS

1. DISCUSSION REGARDING ART IN PUBLIC PLACES FUNDS.

ACTION: A motion was made by Commissioner Gross to recommend approval of the AIPP Master Plan to the City Commission for approval. The City Administration is to provide an update on the fund balance.

2. DISCUSSION REGARDING PROPOSED AMENDMENTS TO THE EXISTING DEBARMENT AND LOBBYING ORDINANCES.

ACTION: Deferred.

3. DISCUSSION REGARDING CHANGES TO THE MIAMI-DADE COUNTY'S LOBBYING ORDINANCE.

ACTION: A report was submitted to the City Attorney's Office and Robert Meyers from the Miami-Dade County Commission on Ethics. (Attachment A) Commissioner Gross requested the City Attorney's Office to meet with each Commissioner individually for purposes of discussing the proposed amendments to the City's Ordinance. Once the meetings are concluded the City Attorney's Office is to place on the Commission agenda.

Agenda Item C6D
Date 1-14-04

4. **DISCUSSION REGARDING ONBOARD MEDIA DISCUSSION REGARDING ESTABLISHING A PILOT PROGRAM WITH ONBOARD MEDIA FOR A MAXIMUM OF TWELVE (12) MONTHS TO PRODUCE AND AIR A THIRTY (30) MINUTE SEGMENT OF "WELCOME TO MIAMI BEACH" IN PROMOTION OF THE CITY OF MIAMI BEACH AS A TOURIST DESTINATION AND QUALITY RESIDENTIAL COMMUNITY, ON "BEACHTV" (CHARTER COMMUNICATIONS GEOGRAPHIC TERRITORY), AT NO COST TO THE CITY; PROVIDING A LINK ON THE CITY'S WEBSITE, A LETTER OF SUPPORT FOR THE PROGRAMMING EFFORTS AND THE CITY'S COOPERATION AND CONCEPTUAL SUPPORT OF THE PROGRAM AND ITS PRODUCTION.**

ACTION: The Administration is to review how the City should proceed with this program. The options were issuing an RFP, continuing with the OnBoard Media proposal, or not proceeding with the project.

NEW BUSINESS

5. **DISCUSSION REGARDING STATUS REPORT ON WAYFINDING SIGNAGE PROJECT.**

ACTION: The Planning Department is to bring the project to the City Commission for discussion upon gathering recommendations from the Historic Preservation Board, Design Review Board, Homeowners Associations, and Cultural Organizations.

6. **DISCUSSION REGARDING AMENDING MIAMI BEACH CITY CODE SECTION 2-22 REGARDING TERM LIMITS OF BOARD AND COMMITTEE MEMBERS.**

ACTION: The Committee recommends the ordinance amending City Code Section 2.22 to provide that an individual appointed to fill a vacancy on a board or committee may serve on that board or committee for the subject term limits, with the period of time served for having filled the vacancy not computed towards the term limit.

7. **DISCUSSION REGARDING BEATLES MANDALA PROPOSAL FOR A WORK OF PUBLIC ART TO BE COMMISSIONED, AS RECOMMENDED BY THE ART IN PUBLIC PLACES COMMITTEE.**

ACTION: Motion passed for recommendation to the City Commission for the Beatles Mandala proposal for the work of public art to be commissioned.

JMG\MDB\lcmdb
Attachment

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MAJOR CHANGES TO LOBBYING RULES AND REGULATIONS
(ADOPTED MAY 2003)

- Exclusions:
 - 1) Attorneys or other representatives retained for the purpose of representing individuals, corporations, or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex parte communications;
 - 2) Expert witnesses at public meetings;
 - 3) Representatives of neighborhood associations without compensation;
 - 4) Representatives of not-for-profit community based organizations without special compensation solely for the purpose of requesting a grant;
 - 5) Employees of a principal whose normal scope of employment does not include lobbying activities
- Annual registration replaces biennial registration and issue-by-issue registration
- Contingency fees banned. Defined as a fee, bonus, commission or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, modification of an ordinance, resolution, action or decision of the Commission, action decision or recommendation of the Manager or any board or committee; or action, decision or recommendation of personnel if matter is likely to be heard or reviewed by the Commission or a board or committee
- Lobbying rules expressly apply to actions, decisions or recommendations of the Manager

**COMMUNITY AFFAIRS COMMITTEE MEETING
TUESDAY, DECEMBER 16, 2003 AT 2:00 P.M.
CITY MANAGER'S LARGE CONFERENCE ROOM**

SIGN IN SHEET

NAME	ADDRESS	PHONE #	E-MAIL ADDRESS
Wend Kelso	487 Linden Rd	673-9440	
Simone Carr	1700 Convention Center	X 7102	
Alia			
Matthew H. Brown			
Saul Green		7104	
Max Sklar			
Danise Shaw			
LOLA REID BOND			
LUISA MOSSCROPP	940 LINCOLN RD. #325	(305) 534-9779	LUISA@BELLSOUTH.NET
Thule White	The Miami Herald		
Gary Knight	2401 Collins 1208	305 534-3481	gary.knight@aol.com
RAY BRESLIN	2395 LAKE PANCONAT DR #4	305-772-5667	BRESLIN@att007.com
Diane Campbell	Press Museum	305-673-7530	dccampbell@bassinsur.com
Robert Parker	City Clerk	673-7411	
Robert Meyers	Miami-Dade Ethics Comm.	(305) 579-2594	rmeyers@miamidade.gov

**COMMUNITY AFFAIRS COMMITTEE MEETING
TUESDAY, DECEMBER 16, 2003 AT 2:00 P.M.
CITY MANAGER'S LARGE CONFERENCE ROOM**

SIGN IN SHEET

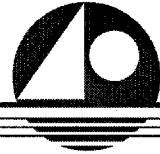
NAME	ADDRESS	PHONE #	E-MAIL ADDRESS
GLEN SWINERTAL	HILLIER	215 636-9999	GSWINERTAL@HILLIER.COM
Joyce Meyers	Planning Dept.	305 673-7550	jmeysters@MiamiBeachFL.com
Lorna Mejia	COMM. BOWER	X 66027	lorna.mejia@miamibeachfl.com
Carrie Singer	CIP/CHB	7071	CarrieSinger@miamibeachfl.com
Jody Vargas	TCS/AFB	7577	jody.vargas@miamibeachfl.com
John Bosio	HILLIER	215 636 9999	JBosio@hillier.com
Randi MacBride	NEIGH SVC.	7077	RANDI.MACBRIDE@MIAMIBEACHFL.COM
Garrison MacBride	OMB	6184	
Frank Olin	LEGAL	X6485	
Ken Bond	CUB/NSA	6363	
AC WATKINS	Support		
Michael Munsere	Bus. Development	992-4034	on record
Harold Kason		5244257	on record
D. Kendall Hoge	WELCOME/MIAMI?	305-4411231	
Dorey Tobler	SMO/Miami Beach Gov. Ctr.	305-673-7312	d.tobler@smgmb.com

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CITY OF MIAMI BEACH

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COMMISSION MEMORANDUM

To: Mayor David Dermer
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: REPORT OF THE JOINT LAND USE AND DEVELOPMENT COMMITTEE AND CHARTER REVIEW BOARD MEETING OF DECEMBER 22, 2003.

1. Discussion on Zoning Reform Section 1.03 (b) Powers of City. Item referred by the City Commission at the December 10, 2003 Commission Meeting. Discussion was held.

Murray H. Dubbin, City Attorney, explained the recommendations made by the City Commission at the December 10, 2003 Commission Meeting, and expressed his concern of creating unintended consequences with this provision.

Jorge Gomez, Planning Director, made a presentation.

Motion No. 1

Motion was made by Member Diaz; seconded by Member Herrup, to recommend to the City Commission that City Charter Section 1.03 (b) be amended to extend the restriction on alienability of certain City-owned properties.

1. Lots west of the North Shore Open Space Park
2. 72nd Street Parking Lot
3. Convention Center Parking Lots
4. Lincoln Road Parking Lots
5. Cultural Campus Parcels

Vote: 5-0. Absent: Members Gelber and Laeser.

Commissioner Steinberg suggested the last paragraph of Section 1.03 (b) to read: January 14, 2004. Further, this provision shall not apply to any City-owned educational facility; utility or access easements; incidental encroachments not to exceed 500 feet; or alleyways. Discussion continued.

Motion No. 2

Motion made by Member Diaz; seconded by Vice-Chair Beloff, to recommend to the City Commission that all other City-owned properties require a majority vote (4/7) of the Planning Board, and a supermajority (5/7) vote of the City Commission; Vote: 5-0. Absent: Members Gelber and Laeser.

There was a good and welfare where the public was provided an opportunity to speak.

Minnette Benson spoke.

Meeting adjourned at 6:00 p.m. The next meeting to be scheduled sometime in February.

JMG/CMC/JGG/lh

Attachment: sign-in sheet

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Agenda Item C6E
Date 1-14-04

**JOINT LAND USE & DEVELOPMENT
COMMITTEE/CHARTER REVIEW BOARD
December 22, 2003**

To the public in attendance:

Please print your name below - Thank you

JO ASMUNDSSON	Fred Beckman
M. Lumsden	Gary Hall
Richard Steinberg	Jorge Gomez
VICTOR M. DIAZ, JR.	Robert Micallef
Larry Herrup	Commissioner Jara
Jonathan Beloff	Ricky Arriola
Gregory Zait	
Debra Turner	
Rhonda Parrott	
Jean Olin	
William Hay-Peel	
MURRAY DUBBIN	
Jorge Gonzalez	
Bruce Kaistew	
Minette Benson	
Nicole White	

A. Proposed Ballot Question

AMENDING CHARTER SECTION 1.03(b) RE: LEASE/DISPOSAL OF CITY-OWNED PROPERTY

SHALL CHARTER SECTION 1.03(b) REQUIRING VOTER APPROVAL BEFORE LEASE/DISPOSAL OF CITY-OWNED PARK, RECREATION, WATERFRONT PROPERTY APPLY TO ADDITIONAL CITY PROPERTIES (WEST OF NORTH SHORE OPEN SPACE; CULTURAL CAMPUS; AND PARKING LOTS NEAR 72ND STREET, CONVENTION CENTER, LINCOLN ROAD); REQUIRE PLANNING BOARD'S 4/7 AND CITY COMMISSION'S 5/7 VOTES BEFORE LEASE/DISPOSAL OF OTHER CITY-OWNED PROPERTIES; INCREASE EXEMPT LEASE PERIOD FROM FIVE TO TEN YEARS; EXEMPT INTEREST/SETTLEMENT OF CLAIMS EXISTING AS OF JANUARY 14TH, 2004?

_____ YES

_____ NO

B. Proposed Text

Sec. 1.03. Powers of city.

* * *

(b) Alienability of property.

1. The only limitation concerning alienability of City-owned park, recreation or waterfront property is the restriction of the sale, exchange, conveyance or lease of ~~five (5)~~ ten (10) years or longer (including option periods) of park, recreation, or waterfront property in the City of Miami Beach ~~while it is being used for such public purpose~~, unless such sale, exchange, conveyance or lease is approved by a majority vote of the voters in a City-wide referendum. This provision shall be liberally construed in favor of the preservation of all park, recreation, and waterfront lands. ~~This provision shall not be construed to apply to any valid written contractual commitments or bids or bonded indebtedness which commitments, bids or indebtedness existed prior to November 4, 1992. Further, this provision shall not apply to any City-owned educational facility or library property, any parking facility not located on park, recreation, or waterfront property or to any utility or access easements, or right of ways, or to that triangular parcel of City-owned property known as Parcel 2 of South Pointe Park located within the Miami Beach Redevelopment Area, said parcel generally described as being 138.87 feet fronting on Biscayne Street with a northerly boundary of 265.43 feet adjacent to Block 8 of South Pointe Development company, and a Southeasterly boundary of 226.20 feet adjacent to Cook Inlet Region property.~~

2. The sale, exchange, conveyance or lease of ten years or longer of the following properties¹ shall also require approval by a majority vote of the voters in a City-wide referendum: (1) Lots West of the North Shore Open Space Park: All City-owned property bounded by 87th Street on the North, Collins Avenue on the East, 79th Street on the South, and Collins Court on the West; (2) Cultural Campus: All

¹ See, Maps attached hereto as Composite Exhibit "A".

City-owned property bounded by 22nd Street on the North, Park Avenue on the West, 21st Street on the South, and Miami Beach Drive on the East; (3) 72nd Street Parking Lot: The City-owned surface parking lot bounded by 73rd Street on the North, Collins Avenue on the East, 72nd Street on the South, and Harding Avenue on the West; (4) Convention Center Parking Lots: All City-owned surface parking lots located in the Civic and Convention Center District, generally bounded by Lincoln Lane on the South, Washington Avenue on the East, Meridian Avenue on the West and Dade Boulevard on the North; and (5) Lincoln Road Parking Lots: All City-owned surface parking lots in the vicinity of Lincoln Road located within the area bounded by 17th Street on the North, Euclid Avenue on the East, 16th Street on the South, and West Avenue on the West.

3. The sale, exchange, conveyance or lease of ten years or longer of all remaining City-owned property shall, as provided by Ordinance, require approval by a majority (4/7) vote of all members of the Planning Board and five-sevenths vote of all members of the City Commission.

4. The terms of this Charter section shall not apply to any valid written contractual commitments or bids or bonded indebtedness, which commitments, bids or indebtedness existed prior to January 14, 2004; nor shall this Charter section apply to any City property which is the subject of a settlement of a claim which the City had notice of as of January 14, 2004.

CITY OF MIAMI BEACH

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

**Subject: REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE
MEETING OF DECEMBER 22, 2003.**

A meeting of the Finance and Citywide Projects Committee was held December 22, 2003 at 2:10 p.m. in the City Manager's Large Conference Room.

Finance and Citywide Projects Committee Chairperson Vice-Mayor Jose Smith, Commissioner Matti Herrera-Bower, and Commissioner Richard Steinberg were in attendance.

City staff was represented by: Jorge M. Gonzalez, City Manager; Patricia D. Walker, Chief Financial Officer; Christina M. Cuervo, Assistant City Manager; Robert C. Middaugh, Assistant City Manager; Martha Dempsey, Special Assistant to the City Manager; Tim Hemstreet, Capital Improvement Projects Director; Jorge Chartrand, Assistant Capital Improvement Projects Director; Ronnie Singer, Community Information Manager; Kristin McKew, Capital Projects Administrator; Kevin Crowder, Economic Development Division Director; Kent Bonde, Redevelopment Coordinator; Jorge Gomez, Planning Director; Robert Halfhill, Assistant Public Works Director; Raul Aguila, First Assistant City Attorney; Manuel Marquez, Finance Manager; Odessa Pinder, Executive Office Associate I; Kay Randall; Information Technology Director; Walter Coolidge, Application Systems Manager; and Larry Kientz; Information Technology Specialist III.

Others in attendance included:

Larry Herrup, Laurence A. Herrup CPA PA; Wayne Pathman and David E. Sacks, Pathman Lewis, LLP; Alan Potamkin, Potamkin & Berkowitz; Jose A. Vidal, STA Architectural Group; David Kelsey, South Beach Hotel and Restaurant Association; and A.C. Weinstein, Sun Post.

1. Discussion regarding the Potamkin/Berkowitz site.

ACTION

The Committee referred the item to the full Commission for action.

Assistant City Manager Christina M. Cuervo introduced and summarized the item. Ms. Cuervo gave an overview of the major points proposed in the Potamkin-Term Sheet.

Agenda Item CGF
Date 1-14-04

Mr. Wayne Pathman of Pathman Lewis, LLP, gave a presentation outlining the proposed project and construction site.

Ms. Cuervo stated that the Commission and the Finance and Citywide Projects Committee had previously identified the need for securing a supermarket in the South Beach area and by proceeding with this project this priority would be addressed.

Mr. Pathman stated that this project would also address the shortage of parking currently facing the South Beach area by creating approximately 943 new parking spaces. Mr. Pathman further stated that along with addressing the need for a supermarket and parking, the project would also be bringing new jobs and increased tax revenue to the City of Miami Beach. Mr. Pathman also stated that the proposed project is within existing City zoning rules and that no variances are needed.

Additionally as part of the deal, Mr. Alan Potamkin, developer of the proposed project, stated that he owns a 15,000 square foot neighboring property on Alton Road between 6th and 7th Street which he will give the City a three year purchase option at a fixed price of \$1,000,000 or approximately \$66.67 per square foot.

City Manager Jorge M. Gonzalez stated this is an option for the City to consider as the vacant lot could be used as an off street parking facility or a booster location for the Electrowave Shuttle buses.

Ms. Cuervo explained that in order to proceed with the project, the City would have to vacate and deed the alley located within the proposed development site to the developer. Ms. Cuervo further stated that the deed will contain a right of reverter, should the project not be built. This would allow for the alley to be re-conveyed to the City if for any reason the project is not developed.

Ms. Cuervo also stated that along with the vacation of the alley, the City would be paying \$14,413 per parking space for a maximum contribution of \$7,250,000 for 503 parking spaces (which include the supermarket required parking) which will be owned by the City and used as public parking together with the 440 retail spaces owned by the developer. The City will operate the parking garage. Ms. Cuervo further stated that any cost overruns would be the sole responsibility of the developer. Once the garage is completed the developer will contribute an annual fee to the City for the operating budget of the 440 developer owned spaces.

Mr. Potamkin stated that he intends to ask the City for a waiver of the Art in Public Places (AiPP) requirement. Without this waiver Mr. Potamkin stated that the proposed project would not be economically feasible. Notwithstanding the waiver request for the AiPP allocation, Mr. Potamkin stated that he intends to install a major piece of art at the entrance of the project and he also intends to make a major donation of art from his private collection to the Bass Museum.

Mr. David Kelsey, from the South Beach Hotel and Restaurant Association, asked for the justification of creating parking spaces along 5th Street and Alton Road (the development site).

Ms. Cuervo stated that parking studies indicate a deficiency of parking currently existing in the South Pointe area and with over 50% of the approved apartment units in this area still

in the planning phase, the proposed 943 parking spaces will help serve the demand for parking.

Mr. Gonzalez stated that the City will have no land cost associated with the proposed development. Mr. Gonzalez stated that City will own each parking space at a cost \$14,413 per space, while only a few blocks away on 10th Street, a private developer is paying \$35,000 per space for restricted lease rights at a garage facility.

Mr. Gonzalez stated that the Potamkin team has worked closely with various City Departments and Management staff to bring a project forward that will secure a supermarket in South Beach and address parking deficiencies in the area.

Commissioner Richard Steinberg made a motion to refer the item to the full Commission for action. Commissioner Matti Herrera-Bower seconded the motion. Voice vote was taken. Motion passes unanimously.

2. Discussion on the South Shore Community Center

ACTION

No action necessary. Status update was given.

Assistant City Manager Robert Middaugh introduced and summarized the item. Mr. Middaugh stated that the proposed capital project will be phased over a three year period in order to avoid having to relocate any of the current tenants.

Capital Improvement Projects Director Tim Hemstreet distributed a Project Status Report (attached as Exhibit A) and gave a presentation outlining the South Shore Community Center's:

- Project History
- Current Project Status
- Proposed Plan

Mr. Hemstreet stated that the City has an estimated \$1.2 million available for construction. Mr. Hemstreet further stated that the project will begin Phase I in Fiscal Year 2004. Mr. Hemstreet stated that Phase I will include HVAC repairs, roof repairs, insulation and build-out of the second floor, elevator improvements, ADA and Fire Code improvements, and stairwell improvements. Mr. Hemstreet further stated that build-out improvements of the second floor are mostly tenant funded as many improvements are specific to tenant needs.

Mr. Hemstreet also summarized Phase II and Phase III of the project. Phase II will include the following improvements: insulation of the first floor, window upgrades, restroom upgrades, common area improvements, and fire alarm upgrades. Phase III, if funding is available, will include the following exterior upgrades: fencing, landscaping, façade, repaving, drainage, and tot-lot repairs.

Commissioner Bower stated that the facility's current exterior appearance is deplorable and the City should find the funds to immediately paint and clean up the building.

3. Discussion of the results of the meeting of the evaluation committee consisting of Miami Beach residents and City Staff to consider possible alternatives for the replacement of the City's Financial Hardware and Software Systems.

ACTION

The Committee referred the item to the full Commission for action instructing the Administration to issue an RFP to solicit proposals to provide a City-wide enterprise financial and administrative system for the City of Miami Beach.

Chief Financial Officer Patricia D. Walker introduced and summarized the item. Ms. Walker stated that the computer system hardware (HP3000) upon which the City's existing financial system, FMSII, operates is no longer supported by the manufacturer, necessitating a replacement of the financial hardware and software system.

Ms. Walker further stated that the City has been notified that the current payroll system from Cyborg will be discontinued at the end of the 2004 calendar year, necessitating a move to another payroll system from Cyborg or another vendor.

Ms. Walker also noted that the Mitchell-Humphrey FMSII System, which has been in use since the 1980's, provides major financial functions, which include: general ledger, accounts payable, accounts receivable, purchasing, budget, fixed assets and other general accounting functions. Ms. Walker stated that the system however does not interface with the other financial systems in use in the City and provides limited high level financial management information, making it very difficult to use and extremely labor intensive.

Ms. Walker stated that the City, in Fiscal Year (FY) 2000, issued a Request for Proposals (RFP) for an integrated Financial System and received one response for a system that cost over a million dollars and was much more advanced than the City needed.

Ms. Walker stated that since FY 2000, the City has continued to search for possible alternatives for the replacement of the City's financial hardware and software systems and since FY 2000, a number of companies have specifically written programs tailored to government operations.

Ms. Walker stated that the City Manager appointed a Committee which met on December 19, 2003, to review the City's alternatives. Mr. Larry Herrup, CPA, a member of this committee, stated that the Committee recommends that the City go forward with an RFP to acquire an enterprise financial and administration system as soon as possible.

Commissioner Matti Herrera-Bower made a motion to refer the item to the full Commission for action instructing the Administration to issue an RFP to solicit proposals to provide an enterprise financial and administrative system for the City of Miami Beach. Commissioner Richard Steinberg seconded the motion. Voice vote was taken. Motion passes unanimously.

4. Review and discuss, the proposed concession agreements with Market Company, Inc., for the Lincoln Road Green Market, the Espanola Way Market and the Normandy Village Market.

ACTION

Item Deferred.

- 5. Discussion regarding the Interlocal Agreement among the City of Miami Beach, Miami Beach Redevelopment Agency, Miami-Dade County, and the Children's Trust.**

ACTION

The Committee referred the item to the full Commission for action.

Mr. Gonzalez gave a status update of the Administration's latest discussions with Miami-Dade County and the Children's Trust.

Mr. Gonzalez stated that negotiations have centered around the concept of Miami Beach monies, provided from the Redevelopment Agency, being earmarked for benefits to Miami Beach Residents and/or funding for Miami Beach Providers. Mr. Gonzalez also stated that the City will be permitted to apply for these funds as a provider of services.

Mr. Gonzalez stated that the Administration will be bringing the proposed Interlocal Agreement to the Commission and Redevelopment Agency (RDA) Board on January 14, 2004. If approved, by the City and RDA, the County will be presented the Interlocal Agreement in late January 2004.


Commissioner Matti Herrera-Bower made a motion to refer the item to the full Commission for action. Commissioner Richard Steinberg seconded the motion. Voice vote was taken. Motion passes unanimously.

JMG/PDW/mim

T:\AGENDA\2004\JANUARY 14, 2004\CONSENT\Fin & CW 12-22-03

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EXHIBIT A




City of Miami Beach Capital Improvement Program

South Shore Community Center Project Status Report

Finance and Citywide Projects Committee
Meeting


December 22, 2003



City of Miami Beach Capital Improvement Program

Project History


- Envisioned in 1996 Parks Bond Master Plan
- Original Construction estimate was \$921,000
- 1999 GO Bond Documents Identified Scope as:
 - Renovation and Reconstruction of Complete Facility
 - New Landscaping
 - Irrigation
 - Signage
 - Playground
- Funding became \$1.35 million, including Soft Costs



City of Miami Beach Capital Improvement Program

Project History

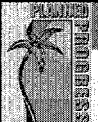
- With additional GO Bond and Other funds, project budget grew to \$1.675 million, including soft costs (\$1.3 million for construction)
- In May 2000, REG (Architect) issued estimates indicating new construction less expensive than renovation
- Issues were raised regarding REG's estimates and calculations
- Upon review, REG issued second set of estimates showing renovation and new construction roughly equivalent in cost



City of Miami Beach Capital Improvement Program

Project History

- In October 2000, Revised Scope Included:
 - New Roofing System
 - Limited Replacement of HVAC and Window Systems
 - Electrical Switchboard Replacement
 - Lighting Improvements
 - Fire Alarm System Upgrade
 - Minimal Plumbing System
 - ADA Upgrades to Restrooms
 - Tot Lot Renovations
 - Tenant Area Improvements
 - Flood Proof Improvements




City of Miami Beach Capital Improvement Program

Project History

- During Design Process, HPB required exterior façade be returned to Historic appearance
- ADA and Fire Code Improvements needed as Renovation Costs Exceed 50% of Building Value
- REG's January 2002 Cost Estimate was \$2.8 million for construction only
- In April 2002, City obtained Flood Proofing Waiver

5




City of Miami Beach Capital Improvement Program

Project History

- Scope Removed since January 2002 Estimate Included:
 - Flood Proofing
 - Partial Sprinkler System Installation
 - Tenant Area Improvements
- October 2002 REG Cost Estimate reduced to \$1.66 million
- REG's Design cannot be Implemented at this time due to insufficient funding and incomplete construction documents

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City of Miami Beach Capital Improvement Program

Current Project Status

- Components of HVAC system require replacement
- Prospective Tenant needs to move by May 2004 (One Stop Career Center/South Florida Work Force)
- Improvements needed before Tenant can move in:
 - Renovation of 2nd floor (Tenant Request)
 - New Carpeting (Tenant Request)
 - New Electrical system (Tenant Request)
 - Lighting Upgrades (Tenant Request)
 - Computer Connections (Tenant Request)
 - Restroom Renovations (Required by Code)
 - Relocation of drywall/storefront partitions (Tenant Request)

7

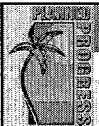


City of Miami Beach Capital Improvement Program

Current Project Status

- Other Improvements Necessary:
 - Roofing Replacement to stop water leakage
 - Window Upgrading to meet Hurricane standards
 - Elevator System Improvements to meet existing Codes
 - Fire Alarm System Improvements to meet existing Codes
 - Electrical System Improvements to meet existing Codes
 - HVAC System Repairs to ensure continual operation
- Improvement scope partially developed in REG's construction documents; not ready for implementation

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City of Miami Beach Capital Improvement Program

Proposed Plan

- Use REG Partial Documents as Master Plan for JOC Contractor to develop Improvement scope
- JOC Contractor develops design and estimates for Tenant, Mechanical, Roofing, Windows, Fire Alarm, ADA Accessibility and Electrical Improvements
- Phase Project Construction
- Estimated Funding for Construction: \$1.2 million

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City of Miami Beach Capital Improvement Program

Proposed Plan

- Phase I: 2nd Floor Improvements – Fiscal Year 2004
 - Elevator Improvements
 - Fire Alarm System Improvements
 - Window Upgrading
 - Roof Replacement
 - Fire Code, ADA Improvements
 - Bathroom Upgrades
 - Tenant Improvements
 - Insulating 2nd floor
- Also includes HVAC Repairs throughout building
- Estimated to Cost \$785,000 (\$155,000 from Tenant)
- Tenant requested additional work, so estimate may increase

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City of Miami Beach Capital Improvement Program

Proposed Plan

- Phase II: 1st Floor Improvements – Fiscal Year 2005
 - Insulating 1st Floor
 - Upgrading Window
 - Fire Code, ADA Improvements
 - Upgrading Restrooms
 - Common Area Improvements
 - Upgrading Fire Alarms
- Estimated to Cost \$540,000
- Tenant Improvements to be paid by prospective tenants.

11



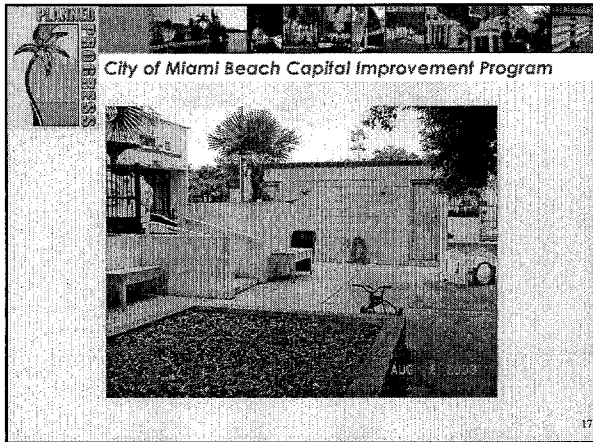
City of Miami Beach Capital Improvement Program

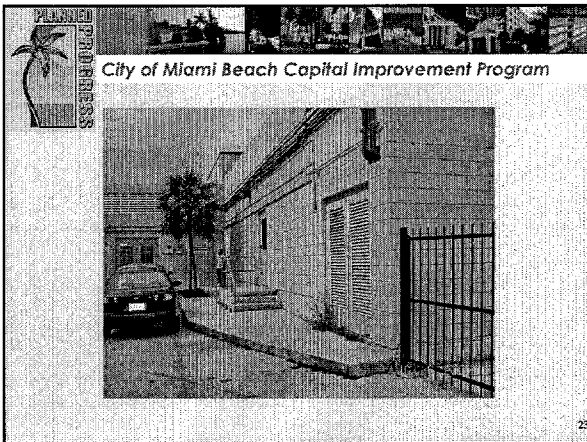
Proposed Plan

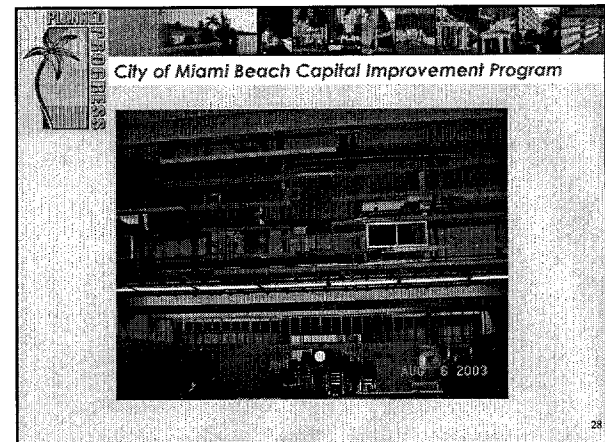
- Phase III: Exterior Improvements – Fiscal Year 2006 (if funding exists)
 - Fencing
 - Landscaping
 - Façade
 - Repaving
 - Drainage
 - Tot Lot
- Estimated to Cost \$370,000

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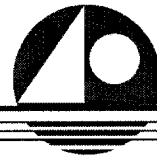






CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

**Subject: REPORT OF THE GENERAL OBLIGATION BOND OVERSIGHT
COMMITTEE MEETING OF JANUARY 5, 2004**

The General Obligation Bond Oversight Committee ("Committee") met on January 5, 2004. At the meeting, the Committee considered the following issues.

New committee member Gary Knight was sworn in.

The Committee reviewed the minutes from the December 1, 2003 meeting. Revisions were noted with regard to who certain comments were attributed to. Similarly, the meaning of what another member had stated regarding improvements to the South Shore Community Center was clarified. The minutes were passed.

CHANGE ORDERS

The Administration informed the Committee of the new change orders had been approved. A list of those change orders is attached as "Exhibit A".

PROJECT STATUS REPORT

The Administration informed the Committee that progress was being made on Phase I of the **Fire Station No. 2** project (water tanks portion). Jasco, the contractor for Phase I, was also awarded the contract for Phase II, which will begin after Phase I is completed.

The Committee was told that the construction documents for the **Fire Station No. 4** project were reviewed by the City Building Department. The consultant is making revisions based on the comments received, and will resubmit the documents for permitting. Once a permit is issued, the project will be put out to bid for construction. The estimated start of construction is Spring 2004.

The Administration informed the Committee that the contractor for the **Normandy Isle Park and Pool** project is resuming construction activity after working out issues with the consultant and the Building Department regarding the construction drawings. An updated schedule of completion is to be presented at the next Committee meeting.

The Committee was advised that Phase I of the **Scott Rakow Youth Center** project (ice rink) is almost complete. Only three or four items remained before a Temporary Certificate of Occupation (TCO) can be obtained, which should be within the next few weeks. A final

Agenda Item CGG
Date 1-14-04

Certificate of Occupancy (CO) could not be issued for the project until construction was completed, which would be within approximately 60 days.

A discussion was held regarding the schedule for construction of all General Obligation Bond funded projects, and the funding shortfalls that each project may have. The Committee requested that an update on these items be given at the next Committee meeting.

INFORMATIONAL ITEMS

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

JMG/RCM/TH/KLM

T:\AGENDA\2004\Jan1404\Consent\GO Bond Minutes from 1-5-04.doc

**General Obligation Bond Oversight Committee
Change Order Report - January 2004**

Project	CO #	Date of Approval	Original Contract Amount	Change Order Amount	Revised Contract Amount	Remaining Contingency	% of Project Complete (approx.)	# of Days	Purpose
Espanola Way	1	1/24/02	\$761,526.70	(\$1,085.00)	\$760,441.70	\$141,558.30	20%		Value Engineering of curb and gutter to valley gutter
Espanola Way	2	1/24/02	\$760,441.70	\$5,300.00	\$765,741.70	\$141,558.30	20%		Paid from funding outside contingency - additional sidewalk, curb and gutter
Espanola Way	3	1/24/02	\$765,741.70	\$81,650.00	\$847,391.70	\$59,908.30	20%		Add revised sanitary sewer improvements (2 manholes, relief line, Ductile Iron Pipe Sleeves) (originally anticipated)
Espanola Way	4	1/24/02	\$847,391.70	(\$27,845.00)	\$819,546.70	\$87,753.30	20%		Value Engineering of base under sidewalk
Espanola Way	5	1/24/02	\$819,546.70	\$8,568.00	\$828,114.70	\$79,185.30	20%		Revised drainage structures to comply with DERM regulations
Espanola Way	6	6/14/02	\$828,114.70	\$900.00	\$829,014.70	\$78,285.30	42%	0	Adjust Storm Drain due to conflict with FPL Duct Bank
Espanola Way	7	6/14/02	\$829,014.70	\$14,988.00	\$844,002.70	\$63,297.30	42%	0	Concrete work to reduce slopes of plaza to approx. 2%
Espanola Way	8	6/14/02	\$844,002.70	\$13,000.00	\$857,002.70	\$50,297.30	42%	+49	Storm drain modifications to adjust plaza slopes to approx. 2%
Espanola Way	9	10/21/02	\$857,002.70	\$799.00	\$857,801.70	\$50,297.30	65%	0	Loading Zone at Barcelona Hotel, requested and funded by Property Owner
Espanola Way	10	10/21/02	\$857,801.70	(\$1,708.90)	\$856,092.80	\$52,006.20	65%	0	Delete 8 Planters (Owner request)
Espanola Way	11	10/21/02	\$856,092.80	\$5,190.00	\$861,282.80	\$52,006.20	65%	21	Underground Phone and TV cables, requested and funded by property owner
Espanola Way	12	10/21/02	\$861,282.80	(\$100.00)	\$861,182.80	\$52,006.20	70%	0	Credit for error on Change Order # 9
Espanola Way	13	10/21/02	\$861,182.80	\$1,180.00	\$862,362.80	\$50,826.20	70%	0	Water line to Proposed fountain
Espanola Way	14	11/12/02	\$862,362.80	\$720.00	\$863,082.80	\$50,106.20	85%	0	Ramp at Tantra for Dumpster
Espanola Way	15	11/12/02	\$863,082.80	\$512.00	\$863,594.80	\$49,594.20	85%	0	Change Planter Layout (Owner Request)
Espanola Way	16	11/12/02	\$863,594.80	\$2,000.00	\$865,594.80	\$47,594.20	85%	5	Change inlet to Storm drains
Espanola Way	17	12/6/02	\$865,594.80	\$500.00	\$866,094.80	\$47,094.20	90%	0	Additional rain water leaders
Espanola Way	18	12/6/02	\$866,094.80	(\$1,584.50)	\$864,510.30	\$48,678.70	90%	0	Plant material change by Landscape Architect
Fisher Park	1	8/10/99	\$140,451.04	\$6,874.12	\$147,325.16	\$7,201.39	27%		New scope of work for new layout of tot lot & install new fencing
Flamingo Pool	1	9/25/01	\$2,399,800.00	\$53,500.00	\$2,453,300.00	\$239,980.00			Re-route electrical feed
Flamingo Pool	2	10/24/01	\$2,453,300.00	\$20,170.48	\$2,473,470.48	\$219,809.52	40%		relocate FPL underground line to accommodate new pool
Flamingo Pool	3	10/24/01	\$2,473,470.48	\$62,800.00	\$2,536,270.48	\$157,009.52	40%		Add Alternate # 2 - Sunburst Fence (originally anticipated)
Flamingo Pool	4	10/24/01	\$2,536,270.48	(\$8,680.00)	\$2,527,590.48	\$155,689.52	40%		Delete 3 lifeguard chairs and substitute pool coating
Flamingo Pool	5	2/19/02	\$2,527,590.48	(\$11,246.40)	\$2,516,344.08	\$176,935.92	80%	-10	Credit for using existing portion of sanitary sewer lines
Flamingo Pool	6	2/19/02	\$2,516,344.08	\$37,503.65	\$2,553,847.73	\$139,432.27	80%	+15	Revised storm system layout to include new drainage well. Installation of support haunches at large pool for structural stability.
Flamingo Pool	7	4/2/02	\$2,553,847.73	\$54,000.00	\$2,607,847.73	\$85,432.27		+10	Installation of Spray Deck, included as Add Alternate, requested by Parks (originally anticipated)
Flamingo Pool	8	4/8/02	\$2,607,847.73	\$4,264.48	\$2,612,112.21	\$85,432.27		0	Installation of interior signage, taken from signage allowance (originally anticipated)
Flamingo Pool	9	4/30/02	\$2,612,112.21	\$17,874.42	\$2,629,986.63	\$67,557.85		+24	furnish/install anchors for swim lines, install 5 umbrella anchors, install electrical conduit/wires and panels for night lighting system
Group A & B Parks									
Island View Park - Ph II	1	1/9/02	\$123,453.48	(\$29,330.00)	\$94,123.48	\$62,348.00	20%		Removal of Shade Pavilion from Scope of Services (at City's request)
All Parks	2	1/28/02	\$94,123.48	\$30,060.00	\$124,183.48	\$28,268.18	30%		Removal of concrete slab at Island View tot lot, upgrade to galvanized steel fencing with electrostatic paint
All Parks	3	3/1/02	\$124,183.48	\$8,703.66	\$132,887.14	\$19,564.52	75%		Addition of columns to fencing, relocation of column, addition of 43 linear feet of fencing to accommodate existing tree route systems
All Parks	4	3/1/02	\$132,887.14	\$0.00	\$132,887.14	\$19,564.52	75%	+45	Time extension due to delay of construction start to accommodate ongoing programming at parks

General Obligation Bond Oversight Committee
Change Order Report - January 2004

Project	CO #	Date of Approval	Original Contract Amount	Change Order Amount	Revised Contract Amount	Remaining Contingency	% of Project Complete (approx.)	# of Days	Purpose
Crespi Park	5	5/15/02	\$132,887.14	\$6,136.00	\$139,023.14	\$13,428.52	90%	0	Installation of specially fabricated sections of fencing to avoid conflict with tree root systems
Island View Park	1	8/4/99	\$192,053.48	\$1,775.79	\$193,829.27				Replace underground pipe for electric service to 2 existing lights
Island View Park	2	12/29/99	\$193,829.27	\$4,044.04	\$197,873.31	\$8,703.16	36%	0	Removal of Basketball Court & restoration of area
Marseilles Drive	1	5/19/03	\$1,356,913.00	\$18,613.00	\$1,375,526.00	\$117,078.00	35%	8	Change elevation to drainage structures and pipes.
Marseilles Drive	2	5/19/03	\$1,375,526.00	(\$756.00)	\$1,374,770.00	\$117,834.00	35%	0	Credit for use of a less expensive water pipe material.
Marseilles Drive	3	5/19/03	\$1,374,770.00	\$3,957.00	\$1,378,727.00	\$113,877.00	35%	2	Use of a different material and type for all curb and gutter inlet frames and grates.
Marseilles Drive	4	7/24/03	\$1,378,727.00	\$18,240.00	\$1,396,967.00	\$95,637.00	40%	5	Additional 2" layer of asphalt requested by the Public Works Dept.
Marseilles Drive	5	7/24/03	\$1,396,967.00	(\$4,000.00)	\$1,392,967.00	\$99,637.00	40%	0	Credit for reduced drainage well depth.
Marseilles Drive	6	7/24/03	\$1,392,967.00	\$5,056.00	\$1,398,023.00	\$94,581.00	40%	2	Resolution of a conflict with a water main pipe at Rue Versailles.
Marseilles Drive	7	7/24/03	\$1,398,023.00	\$0.00	\$1,398,023.00	\$94,581.00	40%	4	Additional days for document discrepancies.
Marseilles Drive	8	7/24/03	\$1,398,023.00	\$0.00	\$1,398,023.00	\$94,581.00	40%	1	Additional rain delay.
Marseilles Drive	9	7/24/03	\$1,398,023.00	\$0.00	\$1,398,023.00	\$94,581.00	40%	16	Delay due to FDOT lane closure permit.
Marseilles Drive	10	8/12/03	\$1,398,023.00	\$17,200.00	\$1,415,223.00	\$77,381.00	55%	6	Re-routing of water main pipe at Normandy and Rue Notre Dame to avoid conflict with existing gas main and storm sewer pipe.
Marseilles Drive	11	8/12/03	\$1,415,223.00	\$3,802.00	\$1,419,025.00	\$73,579.00	55%	2	Replacement of existing sanitary sewer pipe at Bay Drive and Marseille.
Marseilles Drive	12	8/12/03	\$1,419,025.00	\$6,080.00	\$1,425,105.00	\$67,499.00	55%	0	Additional 2" layer of asphalt requested by the Public Works Dept. at Rue Versailles.
Marseilles Drive	13	8/12/03	\$1,425,105.00	\$6,080.00	\$1,431,185.00	\$61,419.00	55%	0	Additional 2" layer of asphalt requested by the Public Works Dept. at Rue Notre Dame.
Marseilles Drive	14	8/12/03	\$1,431,185.00	\$2,622.00	\$1,433,807.00	\$58,797.00	55%	6	Removal of 95 Ft. of existing curb and gutter and replacement with new valley gutter. Removal of existing grate and replacement at different location due to a change in design at an intersection.
Marseilles Drive	15	8/12/03	\$1,433,807.00	\$1,437.00	\$1,435,244.00	\$57,360.00	55%	1	Added traffic control loop at Rue Versaille and Normandy Drive.
Marseilles Drive	16	8/12/03	\$1,435,244.00	\$5,060.00	\$1,440,304.00	\$52,300.00	55%	5	Existing tree removal at Rue Notre dame due to line of sight.
Marseilles Drive	17	8/12/03	\$1,440,304.00	\$4,613.00	\$1,444,917.00	\$47,687.00	55%	2	Additional storm drainage structure.
Marseilles Drive	18	12/19/03	\$1,444,917.00	\$1,320.00	\$1,446,237.00	\$46,367.00	85%		Electrical Service for Irrigation Controller.
Marseilles Drive	19	12/19/03	\$1,446,237.00	\$0.00	\$1,446,237.00	\$46,367.00	85%		This Change Order was voided because the CMB declined to install additional street light at Cul-De-Sac.
Marseilles Drive	20	12/19/03	\$1,446,237.00	(\$179.00)	\$1,446,058.00	\$46,546.00	85%		Credit for replacing 1#5 Re-Bar with a # 3 Re-Bar.
Marseilles Drive	21	12/19/03	\$1,446,058.00	\$11,539.75	\$1,457,597.75	\$35,006.25	85%		Re-Construct Rue Versaille to conform revised elevations.
Marseilles Drive	22	12/19/03	\$1,457,597.75	\$21,793.75	\$1,479,391.50	\$13,212.50	85%		To install new drainage system along Marseille Drive, Labor and equipment
Marseilles Drive	23	12/19/03	\$1,479,391.50	\$3,474.00	\$1,482,865.50	\$9,738.50	85%		To install new drainage system along Marseille Drive, material.
Marseilles Drive	24	12/19/03	\$1,482,865.50	(\$438.00)	\$1,482,427.50	\$10,176.50	85%		Credit to the CMB for 2-1/2" water meter of Irrigation system.
Marseilles Drive	25	12/19/03	\$1,482,427.50	\$1,716.00	\$1,484,143.50	\$8,460.50	85%		Installation of irrigation main line from STA 7+00 to STA 8+10
Marseilles Drive	26	12/19/03	\$1,484,143.50	\$0.00	\$1,484,143.50	\$8,460.50	85%	2	16" water main tied in, Change Order for 2 additional days only.
Normandy Isle Park and Pool	1	9/10/02	\$2,264,000.00	\$1,708.00	\$2,265,708.00	\$218,004.00	0.05%	0	Reimbursement for payment for Removal of FPL facilities from Pool Building
Normandy Isle Park and Pool	2	9/10/02	\$2,265,708.00	\$0.00	\$2,265,708.00	\$218,004.00	0.05%	84	Time delay related to waiting for relocation of County and FDOT facilities

General Obligation Bond Oversight Committee
Change Order Report - January 2004

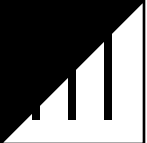
Project	CO #	Date of Approval	Original Contract Amount	Change Order Amount	Revised Contract Amount	Remaining Contingency	% of Project Complete (approx.)	# of Days	Purpose
Normandy Isle Park and Pool	3	3/10/03	\$2,265,708.00	\$1,078.00	\$2,266,786.00	\$216,926.00	0.05%	0	Additional work to dig test pits
Normandy Isle Park and Pool	4	12/10/02	\$2,266,786.00	\$179,000.00	\$2,445,786.00	\$37,926.00	1.00%	0	To reinstate the piling foundation system and concrete deck previously removed during value engineering
North Shore Open Space Park - Phase II	1	10/15/02	\$361,651.00	\$300.00	\$361,951.00	\$40,265.00	25%	0	Demolish and dispose two (2) existing vita course stations (not included in original scope)
North Shore Open Space Park - Phase II	2	10/28/02	\$361,951.00	\$1,477.00	\$363,428.00	\$38,788.00	28%	0	Installation of 2 4" sleeves at three locations under the newly installed 15' wide pathway
North Shore Open Space Park - Phase II	3	11/14/02	\$363,428.00	\$2,642.71	\$366,070.71	\$36,145.29	30%	0	re-grading of the areas of the old guard house and along the existing pathway in order to allow a smoother grade/transition
North Shore Open Space Park - Phase II	4	11/14/02	\$366,070.71	\$199.03	\$366,269.74	\$35,946.26	30%	0	Deletion of Asphalt Striping and addition of 1" of asphalt from 79th Street to 81st Street as a means of reinforcing surfacing for anticipated heavy traffic
North Shore Open Space Park - Phase II	5	5/19/03	\$366,269.74	(\$6,770.40)	\$359,499.34	\$42,716.66	100%	0	Credit for 7,440 square feet of defective asphalt.
North Shore Park and Youth Center	1	4/11/02	\$5,659,357.00	\$6,000.00	\$5,665,357.00	\$307,168.00	3%		To hire a locator service to locate and identify underground utilities
North Shore Park and Youth Center	2	4/29/02	\$5,665,357.00	\$4,480.00	\$5,669,837.00	\$302,688.00	5%		To dispose of sports lighting poles and selected foundations (Park Portion)
North Shore Park and Youth Center	3	4/29/02	\$5,669,837.00	\$12,086.00	\$5,681,923.00	\$290,602.00	5%		To provide separate electrical meter services for the Tennis Center as requested by the Parks & Rec. Dept. (Park Portion)
North Shore Park and Youth Center	4	8/5/02	\$5,681,923.00	\$89,776.00	\$5,771,699.00	\$290,602.00	11%	0	To include value engineered items back in the project: different locker construction, alternate door construction and size, alternate wood gymnasium floors and construction of 2 additional tennis courts (originally anticipated). Funded through GO Bond funds reallocated after addition of CDBG funds.
North Shore Park and Youth Center	5	8/5/02	\$5,771,699.00	\$321,526.00	\$6,093,225.00	\$290,602.00	11%	0	To include sport lighting for the project (originally anticipated). Funded through GO Bond funds reallocated after addition of CDBG funds.
North Shore Park and Youth Center	6	8/9/02	\$6,093,225.00	\$61,965.00	\$6,155,190.00	\$228,637.00	15%	0	To provide 6 storm drain retention tanks to meet DEP requirements.
North Shore Park and Youth Center	7	8/21/02	\$6,155,190.00	\$21,076.00	\$6,176,266.00	\$207,561.00	18%	0	To relocate the and upgrade the existing FPL Transformer
North Shore Park and Youth Center	8	10/24/02	\$6,176,266.00	\$10,939.00	\$6,187,205.00	\$196,622.00	30%	24	Relocation of 5 pigeon plums as requested by DERM and additional exit lights within the Tennis Center as requested by The Building Department
North Shore Park and Youth Center	9	11/13/02	\$6,187,205.00	\$38,872.00	\$6,226,077.00	\$196,622.00	38%	0	Additional 2 clay tennis courts for total of 12 courts. Funding came from North Beach Quality of Life/Resort Tax Fund
North Shore Park and Youth Center	10	1/8/03	\$6,226,077.00	\$1,403.00	\$6,227,480.00	\$195,219.00	50%	108	Cost for stand alone fire alarm system for Tennis Center (\$7,830), credit for changes to main sewer line (-\$2,027.52), and raising top of footing elevation at Youth Center and Gymnasium (-\$4,400)
North Shore Park and Youth Center	11	1/8/03	\$6,227,480.00	\$11,447.00	\$6,238,927.00	\$183,772.00	50%	0	Additional exit signs for Tennis Center (\$1,857) and reconfiguration of storm drainage system (\$9,590)
North Shore Park and Youth Center	12	1/8/03	\$6,238,927.00	\$28,548.00	\$6,267,475.00	\$155,224.00	50%	0	Additional data services requested by owner, upgrade of window color, and location of a drain at practice tennis court

General Obligation Bond Oversight Committee
Change Order Report - January 2004

Project	CO #	Date of Approval	Original Contract Amount	Change Order Amount	Revised Contract Amount	Remaining Contingency	% of Project Complete (approx.)	# of Days	Purpose
North Shore Park and Youth Center	13	2/14/03	\$6,267,475.00	\$6,272.00	\$6,273,747.00	\$148,952.00	55%		Additional phone conduit & receptacle (owner request), concrete pad for FPL electric transformer, and structural change to support A/C ducts in Gym north wall
North Shore Park and Youth Center	14	5/19/03	\$6,273,747.00	\$30,464.00	\$6,304,215.00	\$136,242.00	75%	0	1. Provision of gypsum drywall ceiling for Tennis Center restrooms- \$1,290; 2. Inclusion of Value Eng. Item 16R - \$17,754; 3. Exterior paint color sample -\$237; 4. Removal of trees \$1,881.25; 5. Additional 4" roof drain- \$1,616; 6. Tennis court irrigation line \$3,773; 7. Additional roof insulation- \$1,773.75; 8. Two(2) 2" PVC Duct Bank- \$2,138.60
North Shore Park and Youth Center	15	6/10/03	\$6,304,215.00	\$66,464.00	\$6,370,679.00	\$105,273.00	75%	20	1.Drop ceiling in Tennis Center- \$748; 2. Provision of access ladder to access the roof \$3,333; 3. Construction of 4 dugouts-\$57,502; 4. Installation of additional strobe lights- \$4,881. Additional 20 days was granted for construction of dugouts.
North Shore Park and Youth Center	16	7/15/03	\$6,370,679.00	\$24,045.00	\$6,394,724.00	\$81,228.00	75%	31	1. Relocation of 2 light poles at the Tennis Center \$12,220 - 2. Addition of 6 area drains on the north side of the Tennis court area to introduce an underground drainage system.
North Shore Park and Youth Center	17	7/15/03	\$6,394,724.00	\$7,750.00	\$6,402,474.00	\$73,478.00	75%	10	1. Sidewalk addition to provide access to the entry ramps south of the building - \$7,075; 2. Addition of sprinkler heads requested by Fire Inspector - \$1,753; 3. Credit for deletion of stucco at Youth Center West wall - (\$1,078). Contract time will be increased 10 days for Phase 3 and 31 days for Phase 2.
North Shore Park and Youth Center	18	8/25/03	\$6,402,474.00	\$6,219.00	\$6,408,693.00	\$67,259.00	85%	0	Four picket gates at North and South Entrances not shown on contract documents.
North Shore Park and Youth Center	19	8/25/03	\$6,408,693.00	\$19,298.00	\$6,427,991.00	\$47,961.00	85%	0	Install two rain water scuppers and additional roofing at West Entrance. Enclosure of ductwork a gymnasium.
Scott Rakow Youth Center	1	3/14/02	\$2,845,700.00	\$47,300.00	\$2,893,000.00	\$0.00	10%		Alternates 1, 2 and 4 for Phasing plan, outdoor rubber flooring and landscaping
Scott Rakow Youth Center	2		\$0.00	\$0.00	\$0.00	\$0.00	0%		VOIDED
Scott Rakow Youth Center	3	2/19/02	\$2,893,000.00	\$0.00	\$2,893,000.00	\$0.00	30%	89	89 day time extension
Scott Rakow Youth Center	4	2/19/02	\$2,893,000.00	(\$36,008.00)	\$2,856,992.00	\$0.00	50%		Delete elevator and folding partitions
Scott Rakow Youth Center	5	9/14/02	\$2,856,992.00	\$29,700.00	\$2,886,692.00	\$250,000.00	60%		Relocate utilities, additional electrical service to ice rink, reroute Bell South underground service
Scott Rakow Youth Center	6	9/24/02	\$2,896,692.00	\$36,008.00	\$2,932,700.00	\$213,992.00	70%		Adding back in the elevator and folding partitions
Scott Rakow Youth Center	7	9/24/02	\$2,922,700.00	\$160,595.00	\$3,083,295.00	\$53,997.00	70%		Rerouting storm pipe, additional fire devices and fixtures, repairs to broken water main, remobilization for auger cast piles, paint locker room walls and ceilings, relocation of pedestrian crossing signal, repair of BellSouth lines, repair concrete beams, Zamboni water heater, Water Absorption Tank and monitoring system, rerouting conduit, HVAC unit roof frame, delete basketball court floor replacement work, new foundation for north stairs, modifications to roof and roof structure

**General Obligation Bond Oversight Committee
Change Order Report - January 2004**

Project	CO #	Date of Approval	Original Contract Amount	Change Order Amount	Revised Contract Amount	Remaining Contingency	% of Project Complete (approx.)	# of Days	Purpose
Scott Rakow Youth Center	8	11/8/02	\$3,083,295.00	\$9,306.25	\$3,092,601.25	\$4,166.00 *	80%	0	Installation of louvered door at mechanical room
* Specific costs were paid out of project contingency to FPL, Bell South, PSI Geotechnical, Threshold Inspector. These costs were not paid through the contractor and therefore would not be a part of a change order to the Contractor.									
Scott Rakow Youth Center	9	1/8/03	\$3,092,601.25	(\$21,016.08)	\$3,071,585.17	\$25,182.08	85%	0	Credit for security guard services and ammonia monitoring system. System will be monitored through Fire Alarm panel.
Scott Rakow Youth Center	10	1/8/03	\$3,071,585.17	\$11,844.81	\$3,083,429.98	\$13,337.27	85%	0	Electrical wiring modifications for existing pool and restrooms; furnish and install new light fixture at entrance; furnish and install new 480v/60amp electrical feeder for new water heater and pump at Zamboni room
Scott Rakow Youth Center	11	4/9/03	\$3,083,429.98	\$99,881.00	\$3,183,310.98	\$13,456.27		0	CO for several components. New ductwork modifications in mechanical room/water tower, sand layer for ice rink floor, new emergency/exit lights, ice rink floor watering, modifications to sanitary line, wall rail at ramp landing, ramp lighting relocation, connection of ammonia discharge fan to ammonia panel, new louvers for locker room doors, additional horn strobes, exhaust fan connection to fire alarm panel, connection of HVAC units to EMS, and owner requested changes (replacement of curb, sidewalk continuation and interior signage for \$17,468). Additional funding (\$100,000) added to cover costs of these COs.
Tatum Park	1	2/23/00	\$341,518.36	\$50,987.25	\$392,505.61				new basketball court (originally anticipated)
Tatum Park	2	2/23/00	\$392,505.61	\$33,012.05	\$425,517.66	\$4,477.89	81%		sports and security lighting (originally anticipated)
Tatum Park	3	11/1/01	\$425,517.66	(\$1,800.00)	\$423,717.66	\$6,277.89	100%		Contractor's portion of Safety Surface Installation



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City of Miami Beach

F L O R I D A



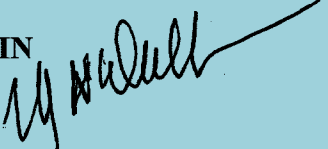
MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: JANUARY 14, 2004

**TO: MAYOR DAVID DERMER
MEMBERS OF THE CITY COMMISSION AND
CITY MANAGER JORGE M. GONZALEZ**

**FROM: MURRAY H. DUBBIN
CITY ATTORNEY** 

**SUBJECT: RESOLUTION AUTHORIZING MIAMI-DADE COUNTY CANVASSING
BOARD TO SERVE AS CITY'S CANVASSING BOARD FOR MARCH 9,
2004 SPECIAL ELECTION.**

Pursuant to Florida Statutes, an elections canvassing board is charged with responsibilities relating to the conduct of elections. The attached Resolution has thus been prepared as a housekeeping matter for the purpose of formally authorizing the Miami-Dade County Canvassing Board to serve as Canvassing Board for the City of Miami Beach's March 9, 2004 Special Election.

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RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY
COMMISSION OF THE CITY OF MIAMI
BEACH, FLORIDA AUTHORIZING THE
MIAMI-DADE COUNTY CANVASSING
BOARD TO SERVE AS CANVASSING BOARD
FOR THE SPECIAL ELECTION OF THE CITY
OF MIAMI BEACH TO BE HELD ON MARCH
9, 2004 AT THE TIME OF THE PRESIDENTIAL
PREFERENCE PRIMARY.**

WHEREAS, on March 9, 2004, Miami-Dade County will be conducting the Presidential Preference Primary election, at which time the City of Miami Beach has authorized the holding of a Special Election; and

WHEREAS, Miami-Dade County is charged with the responsibility of conducting the aforesaid election, except for accepting the Miami-Dade County Department of Election's certificate of elections concerning the results of the City of Miami Beach's Special Election; and

WHEREAS, the Miami-Dade County Canvassing Board is charged with the statutory responsibilities relating to the conduct of the City's March 9, 2004 Special Elections and is hereby authorized to act as Canvassing Board for the City of Miami Beach's Special Election.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY
COMMISSION OF THE CITY OF MIAMI BEACH** that the Miami-Dade County Canvassing Board is hereby authorized to act as Canvassing Board for the March 9, 2004 Special Election of the

City of Miami Beach.

PASSED and ADOPTED this _____ day of _____, 2004.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

11/14/03 12-17-03
City Attorney Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Resolution approving the transfer of Cable Franchise Agreement between the City and The Interlink Communications Partners, LLC. d/b/a Charter Communications, Inc. to Atlantic Broadband (Miami), LLC.

Issue:

Shall the City Commission approve the transfer of the Cable Franchise Agreement between the City and The Interlink Communications Partners, LLC. d/b/a Charter Communications, Inc. to Atlantic Broadband (Miami), LLC.?

Item Summary/Recommendation:

On January 10, 2001, the City renewed its non-exclusive cable television franchise agreement ("franchise agreement") with Interlink Communications Partners, LLC d/b/a Charter Communications, Inc. ("Charter") for a term of ten (10) years. On September 22, 2003, the City received a Federal Communications Commission (FCC) Form 394 requesting that the City consent to the proposed transfer of the franchise agreement from Charter to Atlantic Broadband (Miami), LLC ("Atlantic").

Section 22-23(d) of the City's Cable Television Ordinance (Chapter 22 of the City Code) states that only the following items are to be considered when making a determination on whether to grant an application for transfer are:

"the legal, financial, and technical and other qualifications of the transferee to operate the system; whether the incumbent cable operator is in substantial compliance with the material terms of its franchise agreement, and this chapter and, if not, the proposed transferee's commitment to cure such noncompliance; and whether operation by the transferee would adversely affect cable service to subscribers, or otherwise be contrary to the public interest."

The City has found the application for transfer compliant with the applicable provisions of Chapter 22 of the City Code. Federal law requires local franchising authorities (the City) to approve or deny a franchise transfer request within one hundred and twenty (120) days of receipt by the franchising authority of a completed application, or the request will be considered granted. The 120 days in this transfer request expires on or about January 20, 2004.

Given that Atlantic has provided appropriate information regarding their qualifications, and that Charter, the current cable operator, is in substantial compliance with the existing franchise agreement, and that the transfer would not seem to be contrary to the public interest, the Administration recommends that the City Commission approve the proposed transfer of the franchise agreement from Charter Communications, Inc. to Atlantic Broadband (Miami), LLC.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	2			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:

Robert Parcher, City Clerk

Sign-Offs:

Department Director	Assistant City Manager	City Manager
<i>RCP</i>		<i>RCP</i>

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AGENDA ITEM C7B
DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

R. Sanchez for

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA APPROVING THE TRANSFER OF CABLE FRANCHISE AGREEMENT BETWEEN THE CITY AND THE INTERLINK COMMUNICATIONS PARTNERS, LLC. D/B/A CHARTER COMMUNICATIONS, INC. ("CHARTER") TO ATLANTIC BROADBAND (MIAMI), LLC ("ATLANTIC BROADBAND").**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On January 10, 2001, the City renewed its non-exclusive cable television franchise agreement ("franchise agreement") with Interlink Communications Partners, LLC d/b/a Charter Communications, Inc. ("Charter") for a term of ten (10) years. On September 22, 2003, the City received a Federal Communications Commission (FCC) Form 394 requesting that the City consent to the proposed transfer of the franchise agreement from Charter to Atlantic Broadband (Miami), LLC ("Atlantic").

Section 22-9 "Applications for grant, renewal, modification or transfer of franchise" of the City's Cable Television Ordinance (Chapter 22 of the City Code) outlines the process for applying for a transfer of a franchise agreement. Pursuant to Section 22-9, applications for transfer must include certain information regarding the proposed provider, a demonstration of the technical, legal and financial ability and other qualifications to operate the cable system, and a filing fee to defray a portion of the City's costs in processing the application.

Section 22-23 "Transfer/sale/assignment" of Chapter 22 of the City Code further defines the process for a transfer of the franchise agreement. The proposed provider must also agree to accept the terms of the City's Cable Television Ordinance and the existing franchise agreement, and that they will assume the obligations and liabilities of the previous franchisee under the Ordinance and franchise agreement. Section 22-23(d) states that only the following items are to be considered when making a determination on whether to grant an application for transfer:

...the City Commission shall consider the legal, financial, and technical and other qualifications of the transferee to operate the system; whether the incumbent cable operator is in substantial compliance with the material terms of its franchise agreement, and this chapter and, if not, the proposed transferee's commitment to cure such noncompliance; and whether operation by the transferee would adversely affect cable service to subscribers, or otherwise be contrary to the public interest.

Upon receipt of the application for transfer, and the appropriate filing fee, the City Attorney's Office consulted with the City's outside legal firm for cable television and telecommunications issues, Leibowitz & Associates, PA ("Leibowitz"). After further review with Leibowitz, and discussions between Atlantic and Leibowitz, the City has found the application for transfer compliant with the provisions of Section 22-9 of the City Code.

Further, Atlantic has provided the City with their qualifications as stated in Sections 22-9 and Sections 22-23. Atlantic has provided adequate documentation to substantiate its legal, financial and technical qualifications. Similarly, the City has found that the incumbent cable operator is in substantial compliance with the existing franchise agreement. Lastly, the City has not found reason why the operation of the cable system by Atlantic would adversely affect cable service to subscribers, or otherwise be contrary to the public interest.

Federal law requires local franchising authorities (the City) to approve or deny a franchise transfer request within one hundred and twenty (120) days of receipt by the franchising authority of a completed application, or the request will be considered granted. The 120 days in this transfer request expires on or about January 20, 2004.

CONCLUSION

Given that Atlantic has provided appropriate information regarding their qualifications, and that Charter, the current cable operator, is in substantial compliance with the existing franchise agreement, and that the transfer would not seem to be contrary to the public interest, the Administration recommends that the City Commission approve the proposed transfer of the franchise agreement from Charter Communications, Inc. to Atlantic Broadband (Miami), LLC.

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING
THE TRANSFER OF THE INTERLINK COMMUNICATIONS
PARTNERS, LLC. D/B/A CHARTER COMMUNICATIONS
("CHARTER") CABLE FRANCHISE TO ATLANTIC
BROADBAND (MIAMI) LLC ("ATLANTIC BROADBAND")**

WHEREAS, on September 22, 2003, the City of Miami Beach, Florida, received an FCC 394 requesting the City to consent to the proposed transfer of the Charter cable television Franchise to Atlantic Broadband (Miami) LLC ("Transferee"); and

WHEREAS, pursuant to cable Ordinance No. 2001-3289 of the City of Miami Beach and the Charter Franchise granted thereunder, no such transfer may occur without prior approval of the City Commission; and

WHEREAS, the City has required that the Applicant fulfill the obligations of Ordinance No. 2001-3289 and the Franchise and provide information on the proposed transaction including details regarding the legal, financial, and technical qualifications of the Transferee and such other information as may be in the public interest; and

WHEREAS, the City has relied on information provided by both the proposed Transferor and the Transferee; and

WHEREAS, the City has required a written acceptance from Atlantic Broadband of the terms and conditions of this Resolution by Affidavit as a condition precedent to the adoption of this Resolution (Agreement and Acceptance attached hereto as Exhibit A);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, THAT:

Section 1. To the extent required, the City of Miami Beach hereby consents to the transfer of the Charter cable television Franchise from Charter to Transferee.

Section 2. That the consent granted herein does not constitute and should not be construed to constitute a waiver or release of any obligations of Charter under cable Ordinance No. 2001-3289 and the cable television Franchise granted pursuant to Ordinance No. 2001-3289, except to the extent that such obligations become the obligations of Transferee as a result of the transfer.

Section 3. That the consent granted herein does not constitute and should not be construed to constitute a waiver or release of any obligations of Transferee under Cable Ordinance No. 2001-3289 and the cable Franchise granted pursuant Ordinance No. 2001-3289, except to the extent such obligations are assumed by Charter as a result of the transfer.

Section 4. That the consent granted herein does not and should not be construed to constitute a waiver of any right of the City under applicable law including, but not limited to Ordinance No. 2001-3289 and the cable television Franchise; and further, this consent shall not prejudice the City's rights with respect to the enforcement, renewal or subsequent transfer of the cable television Franchise and any amendments thereto or agreements in connection therewith.

Section 5. That the consent granted herein is conditioned upon (a) execution of the Acceptance and Agreement attached hereto and incorporated herein as Exhibit A; and (b) submission to the City of cost recovery of all costs incurred by the City related to this transfer proceeding, including but not limited to consulting and legal fees in the amount of _____
_____. (\$ _____).

Section 6. That the City hereby reserves all of its rights pursuant to federal, state and local law including, but not limited to the rights in (a) the Franchise renewal process (b) the Franchise transfer process including, but not limited to, the right to act upon any application to sell, assign or otherwise transfer controlling ownership of the cable system; and (c) the enforcement of the current Ordinance No. 2001-3289 and the current cable television Franchise.

Section 7. That the consent granted herein is an express non-waiver and express reservation of the City's rights and authority with respect to enforcement of the Franchisee's compliance with applicable law including, but not limited to Ordinance No. 2001-3289 and the current cable television Franchise. Transferee shall be liable for any and all violations or breaches of said Ordinance(s) or Franchise regardless of whether such violations arose prior to or after the close of the transaction between Interlink Communications Partners, LLC. d/b/a Charter Communications and Atlantic Broadband (Miami) LLC. The City's approval of the transaction shall in no way be deemed a representation by the City that Charter is in compliance with its obligation under Ordinance No. 2001-3289 or the Franchise Agreement.

Section 8. That the consent granted herein is subject to Transferee's compliance with all other applicable legal requirements and the City does not waive and expressly reserves the right to enforce any non-compliance with the applicable Ordinance(s) and Franchise requirements.

Section 9. In the event the proposed transaction between Interlink Communications Partners, LLC. d/b/a Charter Communications and Atlantic Broadband (Miami) LLC is not consummated within 180 days of the effective date herein, or in the event such closure is reached on terms substantially or materially different to the terms described in the application and exhibits thereto, submitted to the City on or about September 22, 2003, or in the event Miami-Dade County

fails to approve any application to transfer the Charter Franchise to Atlantic Broadband or does not reach final closure for any reason within 180 days of the effective date herein, this Resolution, together with the Acceptance and Agreement submitted by Atlantic Broadband shall be null and void.

Section 10. That this Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED this 14 day of January, 2004.

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 1-8-04
City Attorney Date

EXHIBIT A

**AGREEMENT AND ACCEPTANCE OF TERMS
OF RESOLUTION NO. _____**

BEFORE ME, appeared the undersigned authority who having been duly sworn upon his oath deposes and states that:

1. The Affiant is the _____ of Atlantic Broadband (Miami) LLC, a Limited Liability Company organized under the laws of Delaware, and is the person authorized to execute this document on behalf of Atlantic Broadband (Miami) LLC.

2. The Affiant is submitting this Affidavit as a condition precedent to the transfer of the Interlink Communications Partners, LLC. d/b/a Charter Communications ("Charter") cable television Franchise from Charter to Atlantic Broadband (Miami) LLC ("Transferee").

3. Affiant hereby attests that Charter is a current Franchisee in the City of Miami Beach, Florida (the "City") and that Atlantic Broadband (Miami) LLC will be the successor to Franchisee upon the closing of the transaction between Charter and Atlantic Broadband (Miami) LLC.

4. Transferee hereby accepts and agrees to all of the terms and conditions or provisions of this Agreement & Acceptance, Ordinance No. 2001-3289, the Franchise Agreement, and by all amendments thereto or transfers thereof.

5. Transferee shall cooperate in any compliance inquiry in connection with any possible Franchise violations that may have arisen before the effective date herein or that may arise after said date.

6. Effective on the date of the closure of the transaction between Charter and Atlantic Broadband (Miami) LLC in the event it is determined that Franchisee is not in compliance with the Ordinance(s) or Franchise, Transferee shall be subject to liquidated damages and such other remedies as may be imposed by the City pursuant to the Ordinance(s) and the Franchise.

7. Inserts for Agreement

8. Franchisee unconditionally accepts all terms and conditions of Resolution No. ____ and this Agreement and Acceptance as incorporated therein.

FURTHER AFFIANT SAYETH NAUGHT.

Atlantic Broadband (Miami) LLC,
a Delaware Limited Liability Company

BY: _____
ITS: _____

Atlantic Broadband (Miami) LLC hereby accepts and guarantees Franchisee's performance under this Resolution, Ordinance No. 2001-3289 and the Franchise Agreement and all amendments thereto or transfers thereof.

Atlantic Broadband LLC

BY: _____
ITS: _____

STATE OF _____)
)
COUNTY OF _____) SS.

BEFORE ME, the undersigned authority, personally appeared who is known to me personally (or provided proof of identification) and upon being first duly sworn acknowledged that he/she executed the foregoing document freely and voluntarily and for the purpose therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

My Commission Expires:

Notary Public, State of _____

AFFIDAVIT OF COMPLIANCE FOR THE CITY OF MIAMI BEACH

Atlantic Broadband LLC, as Transferee of the Charter cable television Franchise, hereby certifies that it had conducted reasonable due diligence and determined that the Franchise is in compliance with all of the terms and conditions of its Franchise with the City of Miami Beach, including but not limited to all customer service obligations set forth therein or such other FCC standards as may be applicable. In the event that at any time it is determined that the Franchisee was not in compliance with any obligations prior to the closing date of the transfer transaction between Interlink Communications d/b/a Charter and Atlantic Broadband LLC, Transferee accepts all obligations and liabilities including but not limited to performance of a cure of the non-compliance and the payment of liquidated damages in the amount of no less than _____ Dollars (\$____.00) per violation, per day, unless the Franchise provides a greater amount.

Atlantic Broadband (Miami) LLC,
a Delaware Limited Liability Company

BY: _____
ITS: _____

STATE OF _____)
)
COUNTY OF _____) SS.

BEFORE ME, the undersigned authority, personally appeared who is known to me personally (or provided proof of identification) and upon being first duly sworn acknowledged that he/she executed the foregoing document freely and voluntarily and for the purpose therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

My Commission Expires:

Notary Public, State of _____

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY



Condensed Title:

Support the priority municipal issues of the Florida League of Cities for the 2004 Florida Legislative Session.

Issue:

Expression of support by the Mayor and City Commission of the three key priority areas of the Florida League of Cities: Article V, water issues, and annexation reform.

Item Summary/Recommendation:

Approve the Resolution.

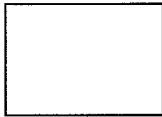
Advisory Board Recommendation:

n/a

Financial Information:

Amount to be expended: N/A

Source of
Funds:



Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Kevin Crowder -- Economic Development

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM C7C
DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING MUNICIPAL ISSUES DURING THE 2004 LEGISLATIVE SESSION.

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

ANALYSIS:

At the November 2003 Legislative Conference of the Florida League of Cities (FLC), the FLC Board of Directors adopted a new initiative to enhance the Legislature's awareness of the League's priority issues. This plan calls on each of Florida's 408 cities to adopt a resolution that supports the League's key priority issues. These key issues address three main areas which are summarized below:

1. Making revisions to the Article V bill dealing with prosecution of municipal ordinance violations;
2. Legislation that promotes water conservation incentives for Florida's cities; and
3. Annexation Reform, particularly relating to annexing enclaves.

Article V Implementation

House Bill ("HB") 113A passed during the 2003 Special Session "A", and is the implementation of Article V, a 1998 Florida Constitutional amendment that requires the State to fund county court systems. Additionally, it prohibits state attorneys from appearing in county courts for the purpose of prosecuting municipal ordinances, and further prohibits a municipality from contracting with a state attorney for the prosecution of municipal ordinances. The bill also requires a \$200 filing fee for each violation.

The position of the League of Cities is to support legislation that allows municipalities to contract for the services of public defenders and state attorneys to enforce local ordinances; eliminates the fee schedules for the enforcement of municipal code violations; and provides a modification of the distribution formula for revenues transferred from the Half-Cent Sales Tax Program to the Revenue Sharing Trust Fund for Municipalities.

Water Conservation Initiatives

Municipalities throughout Florida are implementing several innovative methods to assure an adequate supply of drinking water for their citizens, and efforts were made during the 2003 legislative session to mandate that cities establish water conservation rate structures, impose drought rates, require submetering in apartment buildings and condominiums, mandate statewide irrigation standards, and meter reclaimed water. Municipalities throughout Florida would be negatively impacted by legislation mandating conservation measures on a "one size fits all" approach and many of the conservation measures being considered had no demonstrable conservation benefit but will be very expensive to implement.

The position of the League of Cities is to support legislation that preserves the authority of individual local governments to determine and implement the specific water conservation measures required under a water use permit, and which preserves a local government's control over reclaimed water that is created by the local government.

Annexation Reform

The nature of Florida's current annexation policy has negatively impacted Florida cities by inhibiting their economic vitality, creating inefficient service delivery and subsidizing urban sprawl, and current law has made it more difficult for municipalities to provide municipal services in the urbanizing areas in comparison to counties and special districts.

The position of the League of Cities is to support legislation that strengthens the ability of municipalities to eliminate all enclaves regardless of size or use, and provides reasonable procedures to expeditiously annex areas that are contiguous to their boundaries.

On December 10, 2003, the Mayor and City Commission adopted the City's legislative agenda for the 2004 Session of the Florida Legislature. The FLC's three priority areas are consistent with the City's priorities related to Article V and maintaining or enhancing local authority. The Administration recommends that the Mayor and City Commission adopt the attached resolution, which will then be forwarded to the Governor, the Senate President, the Speaker of the House, and all members of the Florida Legislature.

JMG:CMC:kc

T:\AGENDA\2003\dec1003\regular\State Legislative Priorities 2004.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE MUNICIPAL ISSUES, AS SET FORTH IN THIS RESOLUTION, DURING THE 2004 LEGISLATIVE SESSION.

WHEREAS, House Bill ("HB") 113A passed during the 2003 Special Session "A", and is the implementation of Article V, a 1998 Florida Constitutional amendment, that requires the State to fund county court systems; and

WHEREAS, HB 113A prohibits state attorneys from appearing in county courts for the purpose of prosecuting municipal ordinances; and

WHEREAS, the bill also prohibits a municipality from contracting with a state attorney for the prosecution of municipal ordinances, and public defenders will not be allowed to represent indigents charged with ordinance violations; and

WHEREAS, HB 113A requires a filing fee of \$200 for each code or ordinance violation; and

WHEREAS, several municipalities enforce code enforcement through a citation process, which are filed through the county court system; and

WHEREAS, many of the fines for these citations are less than half of the proposed \$200 filing fee, which would make the citation process ineffective for code enforcement activities; and

WHEREAS, the intent of the Municipal Revenue Sharing hold harmless provision in HB 113A was intended to not reduce any revenues currently shared with municipalities; and

WHEREAS, clean drinking water is a precious resource that must be adequately planned for to meet the needs of future growth in Florida; and

WHEREAS, municipalities are implementing several innovative methods to assure an adequate supply of drinking water is available for its citizens; and

WHEREAS, efforts were made during the 2003 legislative session to mandate that cities establish water conservation rate structures, impose drought rates, require submetering in apartment buildings or condos, mandate statewide irrigation standards, implement "informative billing", and meter reclaimed water; and

WHEREAS, municipalities would be negatively impacted by legislation mandating conservation measures on a "one size fits all" approach and many of the conservation measures being considered had no demonstrable conservation benefit but will be very expensive to implement; and

WHEREAS, the geographic emphasis and restrictive nature of Florida's current annexation policy has negatively impacted Florida's municipalities by inhibiting their economic vitality, creating inefficient service delivery and subsidizing urban sprawl; and

WHEREAS, the current law has actually made it more difficult for municipalities to provide municipal services in the urbanizing areas in comparison to counties and special districts; and

WHEREAS, Florida's tremendous population growth and inflexible annexation policies causes disruption in historical service delivery responsibilities and results in a continuous conflict and inefficiencies in the financing and delivery of many local public services.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. That the City of Miami Beach urges Governor Jeb Bush and members of the Florida Legislature to support legislation that allows municipalities to contract for the services of public defenders and state attorneys to enforce local ordinances; eliminates the fee schedules for the enforcement of municipal code violations; and provides a modification of the distribution formula for revenues transferred from the Half-Cent Sales Tax Program to the Revenue Sharing Trust Fund for Municipalities.

Section 2. That the City of Miami Beach urges Governor Jeb Bush and members of the Florida Legislature to support legislation that preserves the authority of individual local governments to determine and implement the specific water conservation measures required under a water use permit, and which preserves a local government's control over reclaimed water that is created by the local government.

Section 3. That the City of Miami Beach urges Governor Jeb Bush and members of the Florida Legislature to support legislation that strengthens the ability of municipalities to eliminate all enclaves regardless of size or use, and provides reasonable procedures to expeditiously annex areas that are contiguous to their boundaries.

Section 4. That a copy of this resolution shall be provided to Governor Jeb Bush, Senate President Jim King, House Speaker Johnnie Byrd and members of the Florida Legislature.

PASSED and **ADOPTED** this _____ day of November, 2003.

Mayor

ATTEST:

City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

McDull 12-31-03
City Attorney Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

A Resolution to allow the Miami Beach Police Athletic League (PAL) to operate a food concession stand on the Dade Boulevard swale, as a fund raising event, during the Miami International Boat Show.

Issue:

Should the PAL be permitted to operate a food concession stand during the Miami International Boat Show?

Item Summary/Recommendation:

The PAL is requesting permission to operate a food concession stand during the Miami International Boat Show, February 12-17, 2004. The PAL will operate with the condition that all profits generated by this fund-raising event will go to PAL. PAL will provide a certificate of insurance or proof of insurance to the City. The food concession stand will operate in conjunction with the Miami Beach Senior High School Parent Teacher Association.

The Administration recommends approval of this resolution.

Advisory Board Recommendation:

N/A

Financial Information:**Amount to be expended:**

Source of Funds:	Amount		Account	Approved
	1			
	2			
	3			
	4			
	Total			

Finance Dept.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	<i>gpc</i>	<i>gpc</i>

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AGENDA ITEM C7D

DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez *JMG For*
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IN CONNECTION WITH THE FINDING AND DECLARATION OF THE EXISTENCE OF AN EMERGENCY FOR PARKING, APPROVING AND ALLOWING THE POLICE ATHLETIC LEAGUE (PAL), A NOT-FOR-PROFIT ENTITY, TO UTILIZE THE PUBLIC SWALE AREA, LOCATED AT DADE BOULEVARD AND PRARIE AVENUE, ADJACENT TO MIAMI BEACH SENIOR HIGH SCHOOL, FOR A FUND RAISING EVENT TO OPERATE A FOOD CONCESSION STAND, FROM FEBRUARY 12-17, 2004, DURING THE MIAMI INTERNATIONAL BOAT SHOW; FURTHER PROVIDING THAT THE DADE BOULEVARD SWALE BE UTILIZED BY PAL SUBJECT TO THE FOLLOWING CONDITIONS: (1) THAT 100% OF THE PROFITS GENERATED FROM THIS FUNDRAISER BE RETURNED TO PAL FOR ITS EXCLUSIVE USE; (2) THAT THE SUBJECT PERMISSION IS GRANTED WITHOUT ESTABLISHING PRECEDENT SO AS TO SATISFY THIS UNIQUE EMERGENCY SITUATION; AND (3) THAT PAL PROVIDE A CERTIFICATE OF INSURANCE OR OTHER PROOF OF INSURANCE TO THE CITY.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

As in prior years, the Miami Beach Police Athletic League (PAL) has requested permission to use the Dade Boulevard swale adjacent to Miami Beach High to place and operate a food concession from February 12-17, 2004 in conjunction with the Miami Beach Senior High School Parent Teacher Association (MBSH-PTA) operation of parking on the swale.

The Miami International Boat Show, like other Special Events, increases the parking problems that occur in the City. While an accompanying item on this agenda will allow the MBSH-PTA to operate parking for this event on the swale and would ease the parking and create less of an inconvenience for those citizens who live in the area, the MBSH-PTA is in accord with the PAL's proposed food concession operation.

In addition, the Police Athletic League will:

1. Restore the property in the same condition as it was before the use.
2. Obtain a General Liability Certificate of Insurance naming the City as an additional named insured.
3. PAL requests authorization to operate a food concession stand on the Dade Boulevard Swale from February 12-17, 2004.

It is recommended that the Mayor and City Commission adopt this Resolution and permit PAL to utilize the swale to raise much needed funds for their operations.

JMG/CMC/rar

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RESOLUTION TO BE SUBMITTED

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution finding and declaring the existence of an emergency and allowing the Miami Beach Senior High School Parent Teachers Association to use the Dade Boulevard swale adjacent to the school for parking during the 2004 Miami International Boat Show for a fundraising event.

Issue:

Should the Miami Beach Senior High School Parent Teachers Association be permitted to park cars on City property (swale area) fronting the High School's property during the 2004 Miami International Boat Show?

Item Summary/Recommendation:

The Miami Beach Senior High School Parent Teachers Association (PTA) is requesting permission to use the Dade Boulevard swale adjacent to the school to park cars during the Miami International Boat Show, February 12-17, 2004. The PTA will operate with the condition that all profits generated by this fundraising event will go to Miami Beach Senior High School. The PTA will provide off-duty police officers for traffic control. The PTA will also provide a certificate of insurance or proof of insurance to the City.

The Administration recommends approval of this resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of Funds:



Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM C7E
DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez *JMG for*
City Manager

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FINDING AND DECLARING THE EXISTENCE OF A PARKING EMERGENCY AND ALLOWING THE MIAMI BEACH SENIOR HIGH SCHOOL PARENT TEACHER ASSOCIATION (MBSH-PTA), A NOT-FOR-PROFIT ENTITY, TO UTILIZE THE PUBLIC SWALE AREA LOCATED AT DADE BOULEVARD ADJACENT TO THE SCHOOL, TO PROVIDE ADDITIONAL PARKING FROM FEBRUARY 12-17, 2004, FOR THE MIAMI INTERNATIONAL BOAT SHOW, THROUGH A FUNDRAISING EVENT; FURTHER PROVIDING THAT THE SWALE AREA BE UTILIZED EXCLUSIVELY BY THE MBSH-PTA SUBJECT TO THE CONDITIONS SET FORTH IN THIS RESOLUTION BELOW.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Miami Beach Senior High School Parent Teachers Association (MBSH-PTA) requested permission to use the Dade Boulevard swale adjacent to the school for parking during the 2004 Boat Show, for parking of vehicles of persons who will be attending the 2004 Miami International Boat Show, from February 12-17, 2004, for a fundraising event.

The Miami International Boat Show, like other Special Events, increases the parking problems that occur in the City. The use of this vacant lot for parking for this event would alleviate the increased parking demand and create less of an inconvenience for those citizens who live in the area.

In addition, the Parents Teachers Association will:

1. Hire an off-duty police officer to direct traffic for the ingress and egress on Dade Boulevard.
2. Restore the property in the same condition as it was before the use.

3. Obtain a General Liability Certificate of Insurance naming the City as an additional named insured.
4. MBSH-PTA must properly install and maintain a secure perimeter for all landscaping. Specifically, the flower beds, irrigation timers, and irrigation heads must be "flagged". The preferred method of restriction would be rebar and rope. Alternative methods may be proposed by MBSH-PTA; however, it must be approved by designee.
5. The MBSH-PTA may elect to charge a preferred parking rate for use at the swale area and parking in proximity to the Convention Center. The MBSH-PTA will charge \$15.00 for the preferred parking spaces and may also elect to charge a fixed flat fee to reserve a space for the duration of the Boat Show, primarily targeted for exhibitor use. The flat rate parking fee to be assessed to users of this facility in the back lot will be consistent with the (City's) Parking Department's Citywide Boat Show Park and Ride plan. The maximum parking fee in the back lot should not exceed \$10.00 per vehicle/per day.
6. Parking attendants must ensure that vehicles are parked properly within the confines of the swale area. Vehicles (or any portion thereof) obstructing pedestrian access may be cited and/or impounded.

It is recommended that the Mayor and City Commission adopt this Resolution and permit the MBSH-PTA to use the properties which would ease the parking problems caused by the Boat Show and will allow the PTA to have their fundraiser for the school.

JMG:CMC:

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FINDING AND DECLARING THE EXISTENCE OF A PARKING EMERGENCY AND ALLOWING THE MIAMI BEACH SENIOR HIGH SCHOOL PARENT TEACHER ASSOCIATION (MBSH-PTA), A NOT-FOR-PROFIT ENTITY, TO UTILIZE THE PUBLIC SWALE AREA LOCATED AT DADE BOULEVARD ADJACENT TO THE SCHOOL, TO PROVIDE ADDITIONAL PARKING FROM FEBRUARY 12-17, 2004, FOR THE MIAMI INTERNATIONAL BOAT SHOW, THROUGH A FUNDRAISING EVENT; FURTHER PROVIDING THAT THE SWALE AREA BE UTILIZED EXCLUSIVELY BY THE MBSH-PTA SUBJECT TO THE CONDITIONS SET FORTH IN THIS RESOLUTION BELOW.

WHEREAS, the City has historically experienced parking shortages during major events such as NFL Weekend 1999, N'SYNC Benefit Concert, Art Basel, Memorial Day Weekend, the Boat Show, Graphics of the Americas, and the Auto Show; and

WHEREAS, during various weekends throughout the year, severe parking demand has historically lead to mobility problems and ultimately gridlock on our City's roadway system; and

WHEREAS, the Administration has found that allowing for the use of specified vacant surface parking lots for additional parking opportunities during high impact events, coupled with an enhanced Electrowave circulator program (park-and-ride) service, has alleviated the mobility problems and gridlock anticipated during these event weekends; and

WHEREAS, the Administration received a request from the Miami Beach Senior High School Parent Teachers Association (MBSH-PTA) for permission to utilize the Dade Boulevard swale adjacent to the school for parking for a fundraising event and, which would also additional parking for the Miami International Boat Show, from February 12-17, 2004; and

WHEREAS, the Administration recommends approval of MBSH-PTA's request subject to the following conditions:

1. That all profits generated by this fundraising event go exclusively to the MBSH-PTA for the benefit of Miami Beach Senior High School;
2. That the subject permission is granted without establishing a precedent so as to satisfy the unique situation created by a severe parking shortage in the City during the Boat Show;
3. That MBSH-PTA, at its sole and expense, restore the property to the same condition as before its use;

4. That MBSH-PTA provides the City with proof of insurance, as determined and accepted by the City's Risk Manager, as a condition of precedent to the City's granting of its permission herein;
5. That MBSH-PTA hire an off-duty police officer to direct traffic for the ingress and egress on Dade Boulevard;
6. That MBSH-PTA obtain a General Liability Certificate of Insurance naming the City as an additional named insured;
7. That MBSH-PTA must properly install and maintain a secure perimeter for all landscaping; specifically, the flower beds, irrigation timers, and irrigation heads must be "flagged". The preferred method of restriction would be rebar and rope. Alternative methods may be proposed by MBSH-PTA; however, it must be approved by designee;
8. That MBSH-PTA will charge \$15.00 for the preferred parking spaces or a fixed flat fee for the duration of the Boat Show, primarily targeted for exhibitor use. The flat rate parking fee to be assessed to users of this facility in the back lot will be consistent with the (City's) Parking Department's Citywide Boat Show Park and Ride plan. The maximum parking fee in the back lot should not exceed \$10.00 per vehicle/per day;
9. The MBSH-PTA must assure that its parking attendants must ensure that vehicles are parked properly within the confines of the swale area. Vehicles (or any portion thereof) obstructing pedestrian access may be cited and/or impounded.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission herein find and declare the existence of a parking emergency and allowing the Miami Beach Senior High School Parent Teacher Association (MBSH-PTA), a not-for-profit entity, to utilize the public swale area located at Dade Boulevard adjacent to the school, to provide additional parking from February 12-17, 2004, for the Miami International Boat Show, through a fundraising event; further providing that the swale area be utilized exclusively by the MBSH-PTA subject to the conditions set forth in this Resolution below.

PASSED and ADOPTED this ____ day of January, 2004.

ATTEST:

MAYOR

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

JMG:CMC:SF
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City Attorney  12-29-03
Date

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, authorizing the issuance of a Request for Proposals (RFP) for parking cashiers, attendants, and supervisors for the City of Miami Beach Parking Department.

Issue:

Should a request for proposals be issued for parking cashiers, attendants, and supervisors for the City's Parking Department?

Item Summary/Recommendation:

The existing labor pool contract with APCOA/Standard/VIP Parking Systems for cashiers, attendants, and supervisors is in its final term, expiring on August 4, 2004, with no options for renewal. This necessitates a competitive bidding process vis-a-vis the issuance of an RFP (Request for Proposals) in order to procure this service. A scope of services and specifications have been developed by the Parking Department providing for specific performance criteria and standards.

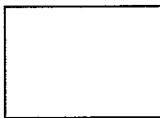
Advisory Board Recommendation:

The Transportation and Parking Committee endorsed this recommendation at their regularly scheduled meeting on January 5, 2004.

Financial Information:

Amount to be expended:

Source of
Funds:



Finance Dept.

Amount	Account	Approved
1		
2		
3		
4		
Total		

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM C7F
DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR PARKING CASHIERS, ATTENDANTS, AND SUPERVISORS FOR THE CITY OF MIAMI BEACH PARKING DEPARTMENT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS:

The Parking Department has collaborated with private industry and through a partial privatization of services accomplished a "partnership approach" to managing its parking facilities. The Department has been very successful using the concept of private sector expertise with public sector oversight. The Department has a management team in place consisting of an Assistant Director (Project Manager), an Operations Manager, and five facility supervisors, all of who are employed by the City. As a "partnership", the Department has competitively bid for contract services including, cashiers/attendants/supervisors, security services, janitorial services, and landscaping services.

To this end, the existing labor pool contract for cashiers, attendants, and supervisors with APCOA/Standard and VIP's Parking Systems is in its final term, expiring on August 4, 2004, with no options for renewal. This necessitates a competitive bidding process vis-a-vis the issuance of an RFP (Request for Proposals) in order to procure this service. The following scope and specifications have been developed by the Department providing for specific performance criteria and standards:

SCOPE OF SERVICES

The City of Miami Beach is actively seeking proposals from qualified parking companies/operators to supply trained parking cashiers, attendants, and supervisors for the City of Miami Beach Parking System in accordance with the terms, conditions, and specifications contained in this Request for Proposals.

A. INTENT

It is the intent of the City of Miami Beach to enter into a three-year Agreement with a firm to provide the necessary labor pool of cashiers, attendants, and supervisors for the City operated cashiered/attended parking facilities, with an option for an additional two-year term, at the sole discretion of the City. The City reserves the right to terminate said Agreement in the event the firm fails to maintain the required standards, or at the City's sole convenience.

B. RESPONSIBILITY OF THE FIRM

The firm shall be responsible for the following:

1. To provide trained and uniformed parking cashiers, attendants, and supervisors at each of the designated parking facilities, Monday through Sunday, including holidays and during Special Events. The parking facilities are located at:
 - A. 7th Street & Collins Avenue Garage (24 hours per day)
 - B. 17th Street Garage (24 hours per day)
 - C. 13th Street Garage (24 hours per day)
 - D. 42nd Street Garage (12 hours per day)
 - E. 12th Street & Drexel Garage (24 hours per day)
 - F. 17th Street & Washington Ave Surface Parking Lots (16 hours per day)
 - G. Preferred Parking Surface Lot (Convention Center Lot/180 days per year).
 - H. Anchor Garage (16th Street and Collins Avenue/24 Hours per day).
 - I. Municipal surface parking lots during special events and/or seasonally.
2. The parking cashiers, attendants, and supervisors must:
 - A. Maintain a neat, well-groomed appearance at all times.
 - B. Collect parking fees, validate tickets, and perform related duties.
 - C. Provide financial and ticket reports at the conclusion of each shift to the satisfaction of the City.
 - D. Submit monies representative of the shift's activity to the shift/facility supervisor, and assist in the recordation and deposit of the daily shift cash receipts.
 - E. Maintain a clean work area including the adjacent booth area and access control equipment. Each shift shall be responsible to maintain the fee computer as to cleanliness, dust and appropriate use.
 - F. Provide directions and general information to the public.
 - G. Maintain a friendly, courteous and service-oriented attitude at all times.
 - H. Consistently demonstrate the ability to communicate effectively in the English language with the general public, supervisors, and City management.
 - I. Perform all other related duties as assigned by the City

- J. All cashiers, attendants, and supervisors shall be qualified to complete all required cash and ticket reports. Such qualification shall be to ensure the accurate and complete recordation of such reports. Ability to add, subtract, multiply, and divide in a consistent and accurate manner is essential.
 - K. All cashiers, attendants, and supervisors must be trained in CPR and emergency procedures.
 - L. All cashiers, attendants, and supervisor are required to know City parking policies pertinent to:
 - 1. Monthly Parking Program
 - 2. City Decals and Permit Parkers
 - 3. Special Event Parking
 - 4. Parking Meter Smart Card Program
 - 5. Hotel Hang-Tag Program; and
 - 6. All programs implemented by the City
 - M. All cashiers, attendants, and supervisors must be familiar with the location, hours of operation, and rates of all City parking facilities.
 - N. All cashier, attendants, and supervisors shall be trained in operating Federal APD revenue control equipment.
3. The Firm shall provide and require its employees to wear a uniform: Sport/polo shirt or collared shirt (no t-shirts), dark pants, shorts or skirt. The Firm's employees will be issued official City of Miami Beach photo identifications and these shall be required to be worn daily as part of the employee's official uniform. The Firm must include its name on the badge or uniform. The City reserves the right for final approval of the uniform selected by the Firm.
4. The Firm shall provide a full-time on-site Project Manager with experience handling the type of services requested by the City who will have full authority to act on behalf of the Firm. The Firm will also provide one (1) trained working supervisor per location as requested on each shift. The responsibilities of the supervisors will be:
- a. Attendance verification: Verify at the beginning of each shift that all booths are staffed. If personnel are absent or call in sick, it is the responsibility of the supervisor to replace the parking cashier immediately. The supervisor shall issue a bank for each cashier/attendant per shift.
 - b. Scheduling of shift locations and replacements for daily and weekly schedule and scheduling for vacations and emergencies.
 - c. The shift supervisors shall be an employee of the Firm and shall serve as the City contact for any problems or questions during each shift.
 - d. Provide required assistance to parking cashiers and attendants during shift closeout procedures. Prepare all deposits for shift cash receipts as required by the City.
 - e. Perform the duties of a parking cashier and/or attendant.

- f. Perform related duties as requested by City staff.
- 5. The Firm shall schedule monthly performance meetings with City management to review performance issues.
- 6. The Firm shall notify the City of a 24 hour contact via telephone and/or pager. A minimum of two contact names must remain on file with the City at all times.
- 7. The Firm shall respond to any complaint received from the general public or the City of Miami Beach, in writing, within 24 hours of receipt of complaint.
- 8. All training of new personnel will be the responsibility of the Firm. The Firm will provide written rules of conduct for its personnel. All rules of conduct for the Firm must be approved by the City's Parking Director.
- 9. The Firm must provide a Facilities Operation Manual to each employee and a permanent manual containing standard operating procedures shall be stored in each cashier booth and central facility office.
- 10. All employees of the Firm shall be bonded and insured. Smoking and/or eating on the job or in a parking facility is strictly prohibited.
- 11. The Firm must supply a \$100.00 bank for each shift at each facility. The \$100.00 bank shall consist of sufficient variety of currency and/or coin to properly provide change. The City reserves the right to alter the composition of the \$100 bank; however, typically, eighty one-dollar bills and two rolls of quarters will be required.
- 12. The Firm shall maintain a trained and courteous workforce.
- 13. The Firm shall ensure that each cashier booth and facility office is equipped with the following:
 - A. City of Miami Beach Parking Guide
 - B. Chamber of Commerce Visitor Guide
 - C. CMB ELECTROWAVE Guide
 - D. Any other materials provided by the City.
- 14. The firm shall be responsible for any cash shortages or missing tickets. Missing tickets shall be calculated at the maximum daily parking rate. All shortages shall be delivered to the City of Miami Beach Parking Department c/o the Finance Manager within 72 hours of notice of the shortage by the City to the Firm.
- 15. The Firm shall provide continuous and on-going procedural and equipment training to its employees assigned to the City of Miami Beach. The Firm shall provide a roster of all trained employees to the City. Employees receiving training at the City's parking facilities must be scheduled to work at City parking facilities, at a minimum of fifty percent (50%) of their total weekly hours. Under no circumstances is the Firm to train employees at City parking facilities and relocate the employee to another contract or client for any period of time without the expressed written consent of the City.
- 16. The Firm shall provide sufficient vehicles, as determined by the City, for their employees to ensure the effective and efficient transport of cashiers, attendants, and supervisors to assigned locations throughout all shifts.
- 17. The Firm shall perform a background check, firm/type of background check to be approved by the City, on all of its employees, including psychological and/or aptitude examinations as part of their employment process. The employee must agree to submit to the successful completion of these screening processes as a

condition of their employment within the first thirty (30) days of said employment. The Firm may also be required to conduct other screening and/or investigative measures, at the request of the City.

C: CITY'S RESPONSIBILITIES

1. The City of Miami Beach will provide a clean and safe workplace.
2. The City has the right to refuse any personnel supplied by the Firm. Any person employed by the Firm whom the Parking Director or his/her designee may deem temporarily or permanently incompetent or unfit to perform the work, shall be removed promptly from the job and such person shall not again be placed with the City.
3. The City shall make every effort to notify the Firm in writing of any special events and their specific parking requirements at least one week (seven calendar days) prior to commencement of the event.
4. The City shall provide the Firm with a calendar of events at the City of Miami Beach Convention Center, Jackie Gleason Theater of the Performing Arts, and Lincoln Theatre. The City shall also provide the firm with a copy of the City of Miami Beach annual calendar.
5. The City shall provide a comprehensive list of events requiring the staffing of surface parking lots (See Attachment A).
6. The City shall continuously work with the Firm to assure that residents and visitors are served in an efficient, professional, and courteous manner.
7. The City shall provide In-Service training to all of the Firm's employees assigned to the City of Miami Beach.
8. The City reserves the right to require the Firm to conduct investigative measures, including, audits, and/or surveillance to ensure the integrity of the system and their employees.
9. The City will at no time be responsible for any and all overtime payroll expense incurred by the Firm.

D. Performance Standards

1. **Absenteeism/Attendance:**
Failure to maintain a daily attendance record of 90% of the scheduled cashiers, attendants, and/or supervisors at each respective facility shall be deemed as non-performance on the part of the Firm and shall be subject to a penalty consistent with the dollar value of the duration of time that the employee(s) were absent or \$100.00, whichever is greater, as liquidated damages. The value is based on the hourly rate assessed to the City. For example, a cashier fails to appear for a 9 AM to 9 PM shift and he/she has a contract hourly rate of \$12.00. The liquidated damage for this instance is \$144.00 (\$12.00 per hour times 12 hours). This formula is based on reduced service levels that the City must absorb by compensating with the reallocation of labor from other duties and/or facilities. Absenteeism/attendance shall be defined as the number of cashiers, attendants, and/or supervisors scheduled in any facility at the start of any shift.

2. Uniforms/Name-tags:

All employees must be in full uniform with their respective name-tag at the start of their shift. Failure to do so may result in a request to replace said employee with one in full uniform/name-tag. The Firm's failure to produce a replacement may trigger Performance Standard No. 1 above and an assessment of liquidated damages.

3. Customer Service/Conduct:

All employees must comport themselves in a respectful and courteous manner when addressing the public/customers. Conduct unbecoming shall include: rudeness, belligerence, hostility, quarrelsome, antagonistic, aggression, sarcasm, contempt, and mocking. All employees shall further refrain from smoking, eating, and/or drinking while on-duty. Complaints pertaining to customer service, including but not limited to the behavior outlined above shall be immediately addressed by the Firm. The City reserves the right to in its sole discretion to determine if the employee is unfit or incompetent to perform the duties and may require the Firm to immediately remove the employee and replace with another within one (1) hour of said request. Failure of the Firm to do so may trigger Performance Standard No. 1 and an assessment of liquidated damages.

4. Most Favored Customer:

The Firm warrants and represents that the prices, warranties, benefits and terms set forth in this Agreement are at least equal to or more favorable to the City than the prices, warranties, benefits and terms now charged or offered by the Firm, or that may be charged or offered during the term of this Agreement for the same or substantially similar services as defined in this Agreement. If at a time during the term of this Agreement, the Firm enters into an agreement on a basis that provides prices, warranties, benefits and terms more favorable than those provided the City hereunder, then the Firm shall within thirty (30) calendar days thereafter notify the City of such fact, and regardless of whether such notice is sent by the Firm or received by the Firm or received by the City, this contract shall be deemed to be automatically amended, effective retroactively to the effective date of the more favorable agreement, to provide the same prices, warranties, benefits and terms to the City; provided that the City shall have the right and option to decline to accept any such change, in which event such amendment shall be deemed null and void. If the Firm is of the opinion that an apparently more favorable price, warranty, benefit or term of this Agreement is not in fact more favored treatment, the Firm will promptly notify the City in writing, setting forth in detail the reasons that the Firm believes said apparently more favored treatment is not in fact more favored treatment. The City after due consideration of such written explanation may decline to accept such explanation and thereupon this Agreement shall be deemed to be automatically amended effective retroactively to the effective date of the more favorable agreement, provide the same prices, warranties, benefits and terms to the City.

The provisions of this Article shall survive the closing and termination of this Agreement.

MINIMUM REQUIREMENTS/QUALIFICATIONS:

All Firms that submit a proposal for consideration must meet the minimum qualifications as provided below. If the minimum qualifications are not met, the proposal will be rejected. Proposals will be considered only from Firms or principals that are regularly engaged in the business of providing the services as described in this Proposal.

- A. The Firm(s) shall have a record of satisfactory performance within the State of Florida in the past three consecutive years providing trained personnel with experience in gated parking revenue control equipment, preferably Federal APD equipment, to a public agency and/or private concern of comparable size and magnitude to the City of Miami Beach.
- B. The Firm(s) or principals shall have sufficient financial support, staffing depth, equipment, and organization to ensure that they can satisfactorily execute the services, if awarded a Contract under the terms and conditions stated herein.
- C. The Firm(s) shall be fully licensed to perform the work described herein.
- D. Number of personnel on file for each type of work. Example: Clerical: 58; Manual labor: 37, etc.
- E. List the present contracts held and contracts previously held during the past three years, specifically listing any similar contracts held. Identify the firm/organization, type of labor furnished, contact person, address, phone number, length of time contract held and total dollar amount of the contracts listed.
- F. The hourly rate for a parking cashier/attendant and the hourly rate for a shift/facility supervisor. Include any other costs associated with this project that shall be borne by the City. The proposed hourly rate shall be in effect for 36 months from the contract start date. If the City, in its sole discretion, exercise the two-year option term, hourly rates will be reconsidered for adjustment. Increases in rates shall be no greater than the percentage change reflected in the CPI as published by the US Department of Labor. The Firm may request for merit increases greater than the CPI; however, requests shall be made in writing and justified to the CMB Parking Director. Each request shall be considered on a case-by-case basis. Requests for merit increases shall be considered in the 12th and 24th month of the initial contract term and at the first month of the two-year option term, if the two-year option term is exercised by the City, in its sole discretion.
- G. The CMB reserves the right to refuse requested merit increases.
- H. The CMB reserves the right to accept CPI adjustments, allow the contract to terminate and re-advertise for RFP's, whichever is in the best interest to the City.
- I. Describe in detail the daily oversight of the attendants/cashiers and supervisors and contract management.

Each Firm is required, before submitting a proposal, to examine carefully the requirements set forth in this document and to be familiar with all the terms and conditions that are contained within this RFP. The Firm shall submit the following information with the proposal:

1. Describe your approach to the project and your management plan for both regularly attended facilities/garages and special event staffing. Include your staffing strategies, implementation of the contract, training, supervision and continued support throughout the year. Describe your plan in detail for recruiting, training, and retaining cashiers/attendants and supervisors.
2. A brief history of the company, name(s) of owner and principal(s) and number of years in business. Include the location(s) of the offices.
3. The number of employees that are employed by your Firm /Company on a full-time and part-time basis. Describe your active trained work pool that can be immediately deployed.
4. Number of personnel on file for each type of work. Example: Clerical: 58, Manual labor: 37, etc.
5. List the present contracts held and contracts previously held during the past three years, specifically listing any similar contracts held. Identify the firm/organization, type of labor furnished, contact person, address, phone number, length of time contract held and total dollar amount of the contracts listed.
6. The hourly rate for a parking cashier/attendant and the hourly rate for a shift/facility supervisor. Include any other costs associated with this project that shall be borne by the City.

Evaluation Criteria/Factors:

Professional experience and past performance:
Labor Cost
Approach to the project and staffing strategies:
Financial Stability:
Personnel resources, oversight, and management plan:
Total:

Weight:

30%
25%:
20%
15%
10%
100%

CONCLUSION:

In conclusion, the Administration recommends that the Mayor and City Commission authorize the issuance of a request for proposals for parking cashiers, attendants, and supervisors for the City of Miami Beach Parking Department.

JMG/CMC/SF
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RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING
THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP)
FOR PARKING CASHIERS, ATTENDANTS, AND
SUPERVISORS FOR THE CITY OF MIAMI BEACH PARKING
DEPARTMENT.**

WHEREAS, the City issued Request for Proposals No. 67-98/99 on May 13, 1999, to solicit proposals for a two-year contract for parking companies/operators to supply parking cashiers/attendants and supervisors for the City of Miami Beach Parking System; and

WHEREAS, on July 21, 1999, the Mayor and City Commission approved the award to APCOA/Standard-VIP's Parking Systems for a two (2) year term, with three (3) additional one year renewal terms, commencing on August 4, 1999, and expiring on August 3, 2004; and

WHEREAS, the City continues to have a need for a service provider that can provide qualified, trained, and courteous attendants, cashiers, and supervisors for the City's parking facilities; and

WHEREAS, as the last renewal term with Apcoa/Standard-VIP's Parking Systems will expire on August 3, 2004; the Administration has determined that a formal competitive bidding process, in the form of a request for proposals, is necessitated.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission, upon recommendation of the Administration, herein approve the issuance of a Request for Proposals (RFP) for parking cashiers, attendants, and supervisors for the City of Miami Beach Parking Department.

PASSED AND ADOPTED this _____ day of _____, 2004

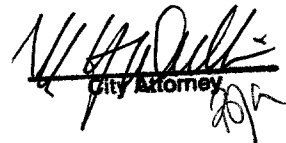
MAYOR

ATTEST:


CITY CLERK

JMG/CMC/SF
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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney



Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, authorizing the issuance of a Request for Proposals (RFP) for valet parking services at the Miami Beach Convention Center, Jackie Gleason Theater of the Performing Arts, and other City property, as may be required.

Issue:

Should a request for proposals be issued for valet parking services at the Miami Beach Convention Center, Jackie Gleason Theater of the Performing Arts, and other City property, as may be required.

Item Summary/Recommendation:

The existing valet parking concession agreement with Gold Star Parking Systems for valet parking services is in its final term, expiring on September 15, 2004, with no options for renewal. This necessitates a competitive bidding process vis-a-vis the issuance of an RFP (Request for Proposals) in order to procure this service. A scope of services and specifications have been developed by the Parking Department providing for specific performance criteria and standards.

Advisory Board Recommendation:

The Transportation and Parking Committee endorsed this recommendation at their regularly scheduled meeting on January 5, 2004.

Financial Information:

Amount to be expended:

Source of Funds:



Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Sign-Offs:

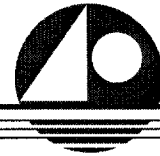
Department Director	Assistant City Manager	City Manager

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AGENDA ITEM C76
DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR VALET PARKING SERVICES AT THE MIAMI BEACH CONVENTION CENTER, JACKIE GLEASON THEATER OF THE PERFORMING ARTS, AND OTHER CITY PROPERTY, AS MAY BE REQUIRED.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

It is the City of Miami Beach's intent to retain the highest quality valet parking service for the patrons of the Jackie Gleason Theater of the Performing Arts 1700 Washington Avenue, Miami Beach, Florida, at the Miami Beach Convention Center, 1901 Convention Center Drive, Miami Beach, Florida ("Convention Center"), and at other sites within the City of Miami Beach. The City of Miami Beach ("City") has contracted valet parking services for the Jackie Gleason Theater and for the Convention Center since October 1, 1986, and the City wishes to continue providing such parking services to patrons of both facilities, even when events are scheduled simultaneously at both facilities. The existing concession agreement with Gold Star Parking Systems for valet parking service is in its final term, expiring on September 15, 2004, with no options for renewal. This necessitates a competitive bidding process vis-a-vis the issuance of an RFP (Request for Proposals) in order to procure this service. The following scope and specifications have been developed by the Department providing for specific performance criteria and standards.

The City will provide to the selected operator: (1) space for a valet parking stand, kiosk, or booth (specifications and visuals of stand, kiosk, or booth must be submitted) at each facility, and (2) storage space free of charge to the selected operator for serviced vehicles at Municipal Parking Lot 5C, located on the northeast corner of Convention Center Drive and 17th Street or other location in the sole discretion of the City. The selected operator shall control access to this lot three (3) hours prior to the start time of a scheduled event in order to secure storage space; however, the operator may not remove from said lot any vehicle parked prior to said three hour period.

The initial term of the Agreement shall be for three (3) years, with one (1) two-year option, renewable at the City's sole discretion. The effective date of the Agreement is anticipated

to be September 15, 2004. The valet parking fee is determined by the Mayor and City Commission of the City of Miami Beach. Currently, the valet parking fee approved by the Mayor and City Commission of the City of Miami Beach is \$10.00 per vehicle.

SECTION II -SCOPE OF SERVICES

The intent of this RFP is to award a valet parking Concession Agreement ("Agreement") for the operation of valet parking services at the Jackie Gleason Theater, the Convention Center, and/or other City Property, as requested by the City Manager, at the sole cost and expense of the operator.

A. AUTHORITY FOR VALET PARKING CONCESSION

The City Manager or his designee is fully authorized to manage and direct the operational uses of City property. The City Code provides for the selection of the operator and other service providers through publicly advertised competitive bidding procedures.

B. AVAILABILITY OF SERVICES

The proposed services outlined herein shall be offered to patrons of the Jackie Gleason Theater, in connection with scheduled entertainment events, and at the Convention Center, on an as-needed basis, as requested by the City Manager or his/her designee. The City Manager or designee may also request services to be provided at additional locations on City property.

A schedule of shows at the Jackie Gleason Theater and the Convention Center is attached hereto as Exhibit "___". The Mayor and City Commission reserves the right to determine and review rates charged for valet parking services under this Agreement. The current rate charged is \$10.00 per vehicle, which includes State sales tax (see Exhibit "___"). All Proposers should base their proposals on this amount.

C. VALET PARKING EQUIPMENT

All equipment, including valet parking stand(s), kiosk(s), and/or booth(s) shall be supplied by, and at the expense of the operator. Equipment supplied under the Agreement shall be new, and in excellent condition prior to installation and during operation. The height and the color of the equipment supplied shall be the same at each location. All equipment supplied under the Agreement must be approved by the Convention Center/Theater Operator (SMG) and the City of Miami Beach Parking Department. Storage of said equipment is the sole responsibility of the operator.

D. REFUNDS

The Proposer must include in its proposal a statement describing the circumstances and procedure whereby refunds will be provided to patrons.

E. QUALITY OF SERVICE

The operator must greet patrons and take possession of their vehicles within two (2) minutes of arrival of each patron, and the operator must return their vehicles to the patrons within ten minutes of each patron's request for the vehicle. The City reserves the right to have any unsuitable employee(s) of the operator removed.

F. OPERATIONAL PLANS

The operator must provide a Statement of Proposed Operational Plans. At a minimum, such plan should state the intended valet parking concessions which are contemplated, number and qualifications of personnel, including supervisors, together with a statement of screening procedures for drivers.

Any equipment which the Proposer intends to supply for the operation of the concession should be listed and described in detail. Any parking concession stand(s), kiosk(s), and/or booth(s) must be completely portable and must be compatible in design, color, and workmanship with the facility for its intended use.

If the operator plans to make any capital improvements to City property or facilities over the term of the proposed Agreement, such improvements should be described and an estimated dollar amount to be expended stated in the Plan. Supplemental statements should include preliminary drawings depicting the improvements to be completed (including signage), as well as additional information regarding the projected market viability of the Operational Plan and any special qualifications and experience which the Proposer offers with regard to the proposed services. The operator must have a written statement of procedures whereby members of the public may receive refunds or adjustments in the event of customer dissatisfaction.

Additionally the City will require valet operators to maintain their operating areas and adjacent ramping areas free of all debris, litter and trash in an effort to enhance the cleanliness in our City.

G. START UP OF OPERATIONS

Operator must be in operation on September 15, 2004.

H. TERM OF AGREEMENT

The term of the Concession Agreement resulting from this RFP shall be for an initial term of three (3) years, beginning on September 15, 2004, with an option for one two-year term, at the sole discretion of the City. The City will give the operator written notice of its intention to extend the Agreement not fewer than sixty (60) days prior to the end of the initial Agreement, and the renewal term, if applicable.

I. NO ASSIGNMENT OF AGREEMENT; NO SUB-CONCESSIONS AGREEMENTS

The Operator shall not, at any time during the term of the Agreement, sublet any part of his Agreement or assign any portion or part of it.

J. AMOUNTS PAYABLE TO THE CITY

The Proposer shall propose a fixed monthly payment to the City for the duration of the Agreement. Said payment shall be due to the City on the tenth (10th) of the month for the preceding month and shall be accompanied by financial statements of the previous month's gross receipts, including submittal of a monthly report of activities (see Exhibit "___") shall be submitted to the Parking Director by the 15th of each month for the preceding month. This report, at a minimum, must contain a chronological listing of events and their locations, including the following information; date, time, name of event, exact location(s) (Hall, Jackie Gleason Theater, etc.), number of transactions (vehicles), gross receipts per event/location, and gross receipts totals. This report shall accompany the monthly statement of gross revenues and will be subject to audit.

It is also required that the Operator, at its own expense, pay any and all taxes or assessments which may be levied including sales and use tax on payments to the City. The City shall reconcile monthly reports and conduct an audit of operations annually or when it deems necessary.

K. LATE FEES

There will be a penalty of \$100.00 or two percent (2%) of the monthly gross receipts, whichever is greater for late or delinquent payments (i.e., any payment received after the tenth (10th) of the month). In addition, simple interest accruing to the City at the highest rate allowable by law per annum, or eighteen percent (18%), whichever is greater, shall be levied from the date when the payment is due until the date paid.

L. GROSS RECEIPTS

The term "Gross Receipts", as used herein, shall mean all monies paid or payable to the Operator for sales made or services rendered which are related to this concession, provided however, that any sales tax imposed by City, County, State, or Federal law and paid by purchaser of any item sold by Operator or any other authorized service or activity of the Operator directly payable to a taxing authority shall be excluded from the computation of "Gross Receipts".

M. CASH REGISTERS/COLLECTIONS

The Operator will use electronic cash registers or other point-of-sale machine able to validate parking tickets in the valet parking stand, kiosk, and/or booth. The customer cash register receipt and validated parking tickets shall be recorded on the register individually, at the time of the payment, using a tape with a carbonized duplicate. Such register and controls over its use, and/or any modifications to this requirement, must have the prior written approval of the City Manager.

N. SHORTAGES

All cash shortages, regardless of the reason, are to be absorbed by the operator and are not to be reported as deductions from Gross Receipts. Bad debts, returned checks, and charges for returned checks, which are part of Gross Receipts, are also not to be reported as deductions from Gross Receipts.

O. VALET PARKING TICKETS, BOOKS, AND RECORDS

The Operator must use sequentially pre-numbered ticket books, approved by the City Manager or designee, to be used for any and all transactions. The operator must prepare true and complete records and accounts of its gross receipts of the valet parking service in accordance with generally accepted accounting principles during the term of the Agreement. Such records should include, at a minimum, all sequentially pre-numbered parking ticket stubs, including voided tickets, daily control sheets signed by the operator's cashier indicating starting, ending, and voided ticket number, and cash register tapes to support gross receipts. The form of all records, reports, and operating controls will be subject to the written approval of the City's Internal Auditor. Recommendations by the Internal Auditor for changes, additions, or deletions in accounting practices, reporting, or controls will be complied with by the operator when requested. The City Auditor shall have the right to audit and examine, during the normal business hours, all books of account, reports, and records relating to the valet parking service upon three (3) days notice. All records relating to the Agreement must be stored and made available to the City within 48 hours of request. The City shall have the right to examine such records at any time within one (1) year

following the expiration or termination of the Agreement; all records must be maintained for that period.

P. ANNUAL REPORTS

The operator will submit an annual CPA-certified Statement of Gross Receipts to the City. Such Certified Statement shall include an opinion by a Certified Public Accountant as to the accuracy of the Operator's Gross Receipts as defined by the Agreement. The period covered by the Certified Statement shall coincide with the operator's fiscal year and must be submitted to the City within sixty (60) days after the end of each twelve-month fiscal year.

Q. FACILITIES/PREMISES

Exhibit "___", entitled "Initially Authorized Locations", lists sites where valet parking services must be provided under this Agreement. The City Manager or his designee may, at his discretion, approve other City sites which require valet parking services.

R. APPEARANCE ON PREMISES

The operator shall maintain a neat and orderly operation at all times and shall be solely responsible for the necessary services to properly maintain the premises being used for valet parking services.

S. ADVERTISING AND SIGNS

All advertising, signage, and postings shall be approved by the City Manager or his designee and must comply with the requirements of the City's Planning Department, as further described in Exhibit "___" attached hereto.

T. SECURITY

The operator must provide any security measures which may be required to protect its area and its equipment, materials, facilities, and designated valet storage locations. Said security measures may not violate other restrictions of the Agreement.

U. STAFFING/PERSONNEL

Each Proposer should include in its proposal a staffing pattern or plan which details the number and qualifications of the personnel who will be employed in the concession operation. At a minimum, the operator shall employ people to serve the public who are neat, clean, well-groomed, and courteous. Employees must be customer-service oriented and shall wear uniforms with name tags at all times. Uniforms shall be pre-approved by the City Manager or his designee. All

drivers must have a valid Florida Driver's License.

An experienced manager (or managers) shall be employed by the Operator to oversee the concession operation, and have the authority over day-to-day operations. Conduct of the operator's employees shall be subject to reasonable regulation by the City Manager or his designee.

V. ELIGIBILITY

The operator and any persons employed by him/her shall never have been convicted of any felony or offense involving moral turpitude. A list of employees including the information requested is to be submitted to the City Manager or his designee within seventy-two hours (72) hours after the operator makes his/her selection for employment. Failure to comply with this provision will be cause for termination of the Agreement by the City Manager. The City reserves the right to periodically conduct Police background checks for all employees of the Operator.

W. NON-DISCRIMINATION

There shall be no discrimination based on race, sex, color, creed, sexual orientation, or national origin in the operations referred to by the Agreement, and there shall be no discrimination regarding any use, service, maintenance, or operation of the premises. All facilities located on the premises shall be made available to the public, subject to the right of the operator to establish and enforce rules and regulations to provide for the safety, orderly operation, and security of the facilities, personnel and equipment.

X. COMPLIANCE WITH CITY, COUNTY, STATE AND FEDERAL LAWS, LICENSING AND PERMIT REQUIREMENTS

The operator shall comply with all rules and regulations, laws, ordinances, and permitting requirements of the City of Miami Beach, Dade County, the State of Florida, and the U.S. Government now in force or hereafter adopted, at operator's own expense. In particular, the operator must obtain a City of Miami Beach Occupational License annually for the concession. City Occupational Licenses currently are issued for a one (1) year period, expiring each September 30th.

Y. PERFORMANCE, INDEMNITY AND INSURANCE REQUIREMENTS

The operator shall post Performance Security in the form of an Irrevocable Letter of Credit or, in the alternative, a cash deposit in the amount of Five Thousand Dollars (\$5,000.00), with the City upon the execution of this Agreement. Said Performance Security shall be issued by a surety company authorized to do business in the State of Florida and shall be refundable at the

expiration of the Agreement, if all terms and conditions of the Agreement have been satisfied by the Operator. The Performance Security must be good and in effect for the duration of the Agreement. A Performance Security which is on an annual basis is not acceptable.

The operator shall indemnify, defend, and hold harmless the City against any and all claims, suits, actions, damages, or causes of action arising during the term of the Agreement for any personal injury, loss of life, or damage to property sustained in or on the sites operator is operating on, by reason of or as a result of operator's use, activities, and operations thereon; from and against all costs, attorney's fees, expenses, and liabilities incurred in the defense of any such claim and the investigation thereof.

As partial fulfillment of this requirement, the operator shall supply evidence of insurance coverage as described on the Insurance Check List. The required insurance coverage must be supplied prior to the initiation of operations. The operator will not be granted access to the property without approved insurance coverage.

Z. QUALITY ASSURANCE

The operator's performance shall be monitored by the City Manager or designee. Impromptu operational and financial audits may be conducted on site at the discretion of the City Manager or his designee.

Letters of complaint regarding the operator's performance will be subject to investigation by the City. The operator will be issued written notice of the complaint within five (5) days of receipt by the City, and the operator will have five (5) days in which to respond. Three letters of complaint that have been investigated by the City and confirmed as to their allegations, received within twelve consecutive months, shall constitute sufficient cause for the City Manager or his designee to terminate the Agreement.

AA. TERMINATION FOR CAUSE

If the operator fails to comply with any of the terms and conditions of the Agreement, except for non-payment of rent which is separately addressed herein, and such default is not cured within ten (10) days after written notice is given to operator, the City shall have the right to immediately terminate the Agreement and revoke the privilege of the operator to come upon the City's property for purposes for which this concession, was granted and may oust and remove all parties who may be present upon or occupy any part of the premises for the purpose of exercising any rights so revoked. Continued occupancy of the facility after termination of the privilege shall constitute trespass by the operator, and may be prosecuted as such. In addition, the operator shall pay to the City one hundred dollars (\$100) per day as liquidated damages for such trespass

and holding over. In addition, with regard to termination of the Agreement, the City may pursue any and all legal remedies available to it for such default, with the prevailing party to pay all reasonable legal fees.

BB. TERMINATION FOR CONVENIENCE

NOTWITHSTANDING THE PROVISIONS IN THE AGREEMENT PARAGRAPHS __ AND __, THE CITY MAY, FOR ITS CONVENIENCE, AND AT ITS SOLE DISCRETION AND WITHOUT CAUSE, TERMINATE THE AGREEMENT AT ANY TIME DURING THE TERM BY GIVING THIRTY (30) DAYS WRITTEN NOTICE TO OPERATOR OF SUCH TERMINATION, WHICH SHALL BE EFFECTIVE AS OF THE DATE SO SPECIFIED IN SAID WRITTEN TERMINATION.

CC. PERFORMANCE STANDARDS

1. **Scheduled Service:**
Failure to provide service for events on scheduled dates shall be deemed as non-performance on the part of the Firm and shall be subject to a penalty of \$500, per event/per day, as liquidated damages. The value of the liquidated damages is based on: (1) reduction of service level to patrons wishing to valet park and any inconvenience derived thereof and (2) a disincentive to the Operator to not provide service for all events.
2. **Uniforms:**
All employees must be in full uniform. Failure to do so may result in a request to replace said employee with one in full uniform. The Firm's failure to produce a replacement shall be deemed as non-performance and a penalty of \$50 per employee, per event, per day may be assessed as liquidated damages.
3. **Customer Service/Conduct:**
All employees must comport themselves in a respectful and courteous manner when addressing the public/customers. Conduct unbecoming shall include: rudeness, belligerence, hostility, quarrelsome, antagonistic, aggression, sarcasm, contempt, and mocking. All employees shall further refrain from smoking, eating, and/or drinking while on-duty. Complaints pertaining to customer service, including but limited to the behavior outlined above shall be immediately addressed by the Firm. The City reserves the right to in its sole discretion to determine if the employee is unfit or incompetent to perform the duties and may require the operator to immediately remove the employee and replace with another within one (1) hour of said request. Failure of the operator to do so may trigger an assessment of a penalty in the amount of \$50.00 per employee, per event, per day, as liquidated damages.

MINIMUM REQUIREMENTS / QUALIFICATIONS:

1. The Proposer must have a verifiable proven record of providing valet parking services and must have not fewer than three (3) consecutive years of experience, in the State of Florida, providing successful valet parking services for major convention centers, theaters of performing arts, playhouses, cultural centers, and/or amphitheaters with the following minimum characteristics:
 - a. Convention Centers providing events with attendance of 200,000 to 250,000 persons over seven consecutive days.
 - b. Theaters of performing arts or similar venues providing events with attendance of 2,700 per event and multiple events (up to three) per day.
2. The Proposer must have sufficient financial stability to provide valet parking services as outlined herein throughout the term of the Agreement to withstand variable periods of demand of the facilities named herein.
3. The Proposer must demonstrate a level of expertise, technical knowledge, and innovation to provide valet parking services, including multiple major events, through inclement weather, and any unforeseeable circumstances.

For the City of Miami Beach to award the Concession Agreement to the best qualified Proposer, an evaluation of the qualifications of each proposer must be completed. The Proposer submitting a response warrants that it:

- (1) Can carry out all the requirements set forth in this RFP and its own operational plans, and fulfill the associated financial commitments.
- (2) Has successfully developed and operated other valet parking concessions in the State of Florida similar to those proposed.
- (3) Has supplied the information in the attached Questionnaire and Individual or Corporation Financial Information, as further evidence of capacity and readiness to provide the proposed services.

CRITERIA FOR EVALUATION

The Evaluation Committee shall base its recommendations on the following factors:

<u>Factors</u>	<u>Weight</u>
Proposer's experience with similar contracts:	25%
Fixed Monthly Payments to the City:	25%
Completeness of Proposed Operational Plan:	20%
Qualifications of Personnel/Staffing Pattern:	15%
Evidence of financial stability:	15%

CONCLUSION

In conclusion, the Administration recommends that the Mayor and City Commission authorize the issuance of a request for proposals for valet parking services for the Miami Beach Convention Center, Jackie Gleason Theater of the Performing Arts, and other City property, as may be required.

JMG/CMC/SF

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RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING
THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP)
FOR VALET PARKING SERVICES FOR THE MIAMI BEACH
CONVENTION CENTER, JACKIE GLEASON THEATER OF
THE PERFORMING ARTS, AND OTHER CITY PROPERTY,
AS MAY BE REQUIRED.**

WHEREAS, the City issued Request for Proposals No. 60-98/99 on May 13, 1999 to solicit proposals for a two-year contract for valet parking services to serve the Miami Beach Convention Center, Jackie Gleason Theater of the Performing Arts, and other City property, as may be required; and

WHEREAS, on July 21, 1999, the Mayor and City Commission approved the award to Gold Star Parking Systems for a two (2) year term, with three (3) additional one year renewal terms, commencing on September 15, 1999, and expiring on September 14, 2004; and

WHEREAS, the City continues to have a need for a service provider that can provide qualified, trained, and courteous valet parking services to serve various City venues; and

WHEREAS, as Gold Star's last renewal term will expire on September 14, 2004; the Administration has determined that a formal competitive bidding process, in the form of a request for proposals, is necessitated.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission, upon recommendation of the Administration, herein approve the issuance of a Request for Proposals (RFP) for valet parking services for the Miami Beach Convention Center, Jackie Gleason Theater of the Performing Arts, and other City property, as may be required.

PASSED AND ADOPTED this _____ day of _____, 2004

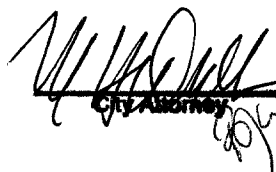
MAYOR

ATTEST:

CITY CLERK

JMG/CMC/SF
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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney Date 12-31-03

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

To authorize the City Manager to execute an agreement with the artist in an amount not to exceed \$55,000, the project will also include approximately \$10,000 for site enhancements which include construction of sub-flooring, a retaining wall with perimeter pavers and illumination and \$5,000 for contingency and promotion, for a total of \$70,000. The Art in Public Places fund, for the artwork entitled "Beatles Mandala" to be sited in the North Shore Bandshell Park.

Issue:

Should City Commission approve this work of art to be sited in the North Shore Bandshell Park?

Item Summary/Recommendation:

To approve the Art in Public Places "Beatles Mandala" project for the North Shore Bandshell Park, as recommended by the Community Affairs Committee on December 16, 2003.

Advisory Board Recommendation:

Approved by the Art in Public Places Committee on September 17, 2002; the North Beach Development Corporation's Capital Improvements Committee on February 11, 2003, and the Arts in North Beach Committee on September 15, 2003; and the Community Affairs Committee on December 16, 2003.

Financial Information:

Source of Funds:	Amount		Account	Approved
	1	\$70,000	Art in Public Places Fund 147	
	2			
	3			
	4			
	Total			

Finance Dept.

City Clerk's Office Legislative Tracking:

Donna Shaw

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM C7H
DATE 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez *JMG*
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE ARTIST, KEVIN ARROW, IN AN AMOUNT NOT TO EXCEED \$55,000, THE PROJECT WILL ALSO INCLUDE \$10,000 FOR SITE ENHANCEMENT AND \$5,000 FOR CONTINGENCY AND PROMOTION, FROM THE ART IN PUBLIC PLACES FUND FOR THE ARTWORK ENTITLED "BEATLES MANDALA"; FURTHER APPROVING THE SITING OF THE PUBLIC ART COMMISSION AT THE NORTH SHORE BANDSHELL PARK, AS RECOMMENDED BY THE ART IN PUBLIC COMMITTEE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

In the spring of 2001, the Art in Public Places (AiPP) Committee embarked on drafting a master list of potential funding sources and possible sites for new works of art pursuant to the AiPP Ordinance. In drafting the Miami Beach Art in Public Places (AiPP) master plan of potential sites for community enhancements, the AiPP Committee considered the North Beach sector a tourist destination with growing cultural potential. In looking into the visual elements and the historical factors pertinent to North Beach, a visual theme of mosaic tile was documented with median planters and bus benches, and a cultural theme was discovered with the Beatles having been lodged at the Deauville Hotel in 1964 at the end of their first world tour.

In the summer of 2002, the AiPP Committee asked the artist Kevin Arrow to propose a mosaic tile artwork for North Beach in memory of the Beatles. Mr Arrow is a local artist currently employed at MOCA as the Exhibition Coordinator and Registrar. Mr Arrow is also a property owner and resident of North Beach. Mr. Arrow is known for his colorful and intricate "Mandela" designs. A "*mandala*" (Sanskrit) traditionally represents a symmetrical display of inter-related visual components to be enjoyed for the purpose of relaxation, concentration or meditation. A mandala can represent a microcosm or spiritual diagram of a universe, illustrating various principles, qualities, and forces. By viewing the components of a mandala sequence, moving inward and outward through the imagery, one can move simultaneously toward one's own inner center and toward the center of one's reality.

In August of 2002, a preliminary proposal, by Kevin Arrow, for a 200 square foot mosaic tile work of art entitled "Beatles Mandala," was presented by the AiPP Committee and staff to EDAW. On September 24, 2002, an all inclusive PowerPoint presentation was made by the artist to the AiPP Committee which included the Bandshell Park restoration project as a recommended location in order to assist in deferring some of the cost for site preparation and permitting. However, the Bandshell Park restoration project has yet to be funded and the Beatles 40th anniversary is only a few months away.

The AiPP Committee met with the North Beach Development Corporation Capital Improvements and Arts in North Beach committees and received their support of the original site recommendation, which is in close proximity to the commercial business district, the entertainment/arts district, Ocean Terrace, and the Deauville Hotel. This site has high impact visibility for residents and visitors and provides an excellent opportunity to establish a community centerpiece.

The project has been reviewed by the City's Capital Improvement Projects Office (CIP) and CIP estimates approximately \$10,000 would be needed for site enhancements to include construction of sub-flooring, a retaining wall with perimeter pavers and illumination and \$5,000 for contingency and promotion. The artist fee of \$55,000 is to include materials, labor and installation. On December 16, 2003, the Community Affairs Committee reviewed and recommended approval of the proposed project.

The AiPP Committee would like the "Beatles Mandala" project to be unveiled at the Miami Beach Festival of the Arts on February 7, 2004 in North Beach to commemorate the 40th anniversary of the Beatles' visit to Miami Beach, which was on February 26, 1964. The "Beatles Mandala" public art commission will visually enhance the community and serve as an important centerpiece for Miami Beach and the North Beach community.

CONCLUSION

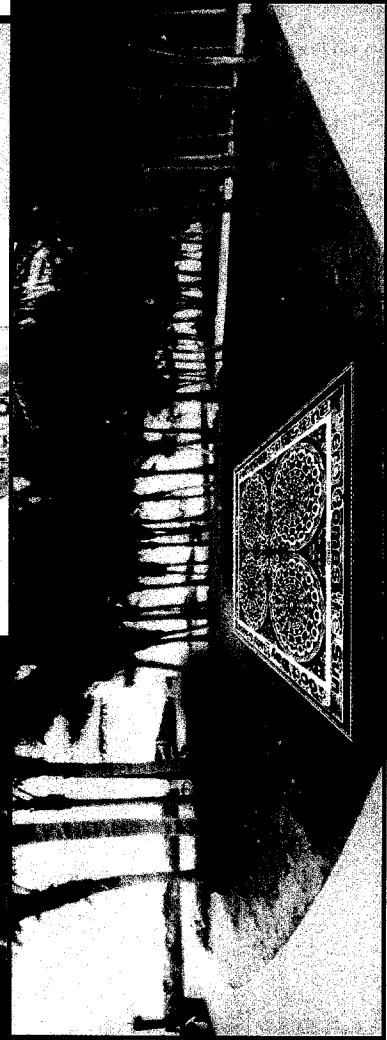
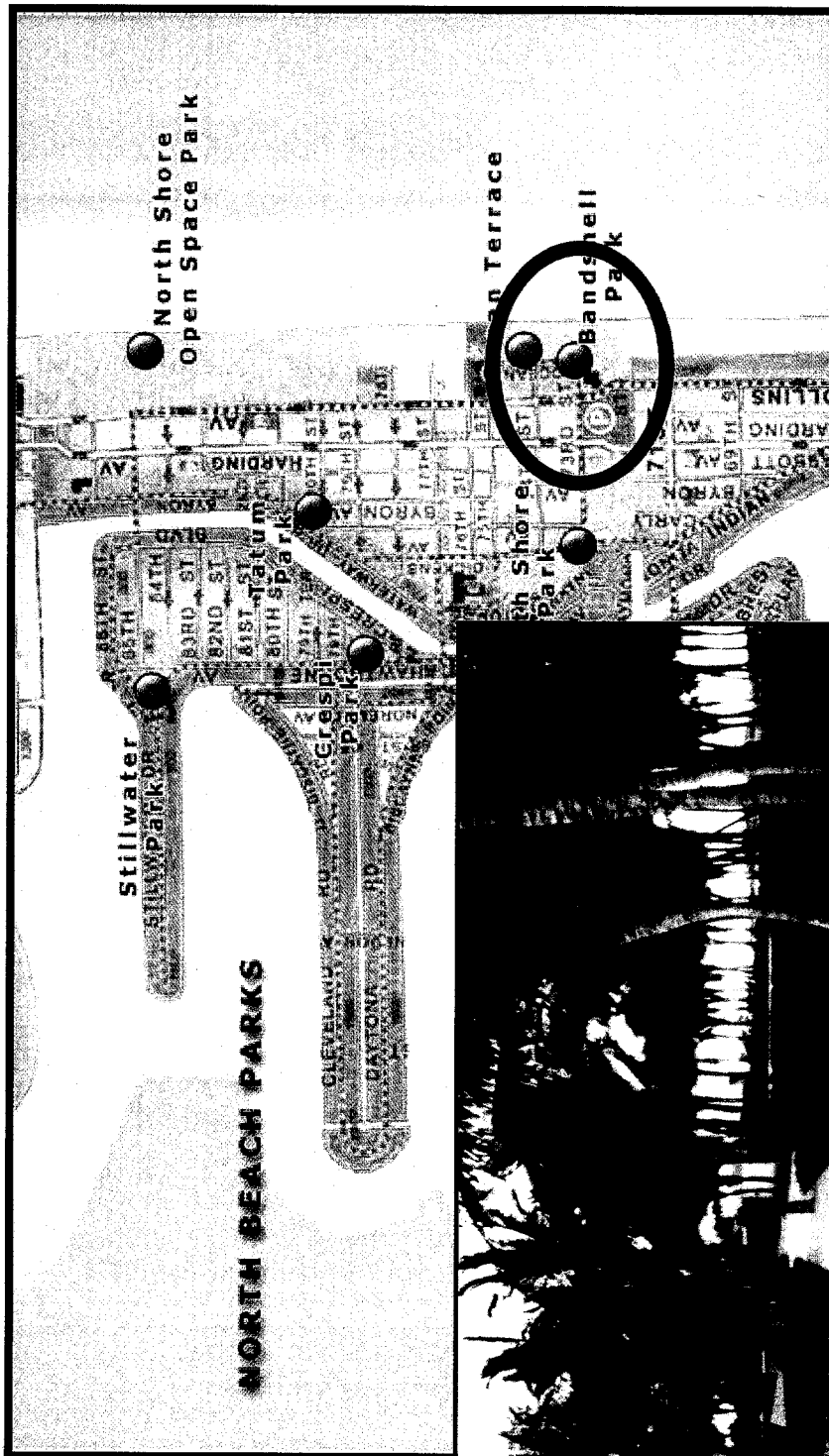
The Administration recommends that the City Commission approve the "Beatles Mandala" design proposal (Exhibit "A"), as recommended by the Art in Public Places Committee, the issuance of an agreement with the artist Kevin Arrow, and the appropriation of funds in the amount of up to \$70,000, which includes artwork, site enhancements, installation, a contingency and promotion, from the Art in Public Places Fund No. 147, accordingly.

JMG/CMC/DS/MAS/jv

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©Kevin Arrow
Beatles Love Mandala, 2004
 North Beach Bandshell Park
 200 square foot glass mosaic



AV AV
 SCALE 1/4" = 1' 0"
 TOTAL LOT 100' 0" 100' 0"

RESOLUTION TO BE SUBMITTED

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, authorizing the issuance of a request for proposals (RFP), to provide a new Citywide enterprise financial and administrative system for the City of Miami Beach.

Issue:

Whether a request for proposals (RFP) should be issued to solicit proposals to provide a Citywide enterprise financial and administrative system for the City of Miami Beach.

Item Summary/Recommendation:

The computer system hardware (HP3000) upon which our existing financial system software, FMSII, operates is no longer supported by the manufacturer, necessitating a replacement of both the financial hardware and software systems. Additionally, the City has been notified that the current payroll system from Cyborg will be discontinued at the end of the 2004 calendar year, necessitating a move to another payroll system from Cyborg or another vendor.

The Mitchell-Humphrey FMSII System has been in use since the 1980's and it provides major financial functions, which include general ledger, accounts payable, accounts receivable, purchasing, budget, fixed assets and other general accounting functions. However, it doesn't interface with the other financial systems in use and provides limited financial management information, making it very difficult to use and extremely labor intensive. Additionally, the system architecture does not lend itself to today's security requirements or the need for business continuity in the event of a physical disaster.

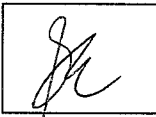
The Administration recommends that the resolution be adopted and the City proceed with an RFP to acquire an enterprise financial and administration system as soon as possible.

Advisory Board Recommendation:

The City Manager appointed a committee to evaluate the alternatives for replacing the systems. This committee met on December 19, 2003 and recommended that the City go forward with an RFP as soon as possible.

The Finance and Citywide Projects Committee, at their December 22, 2003 meeting, referred the item to the full Commission for action instructing the Administration to issue an RFP to provide a Citywide enterprise financial and administrative system for the City of Miami Beach.

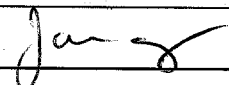
Financial Information:

Source of Funds:		Amount	Account	Approved
 Finance Dept.	1		Funds available from the Information Technology Replacement Fund	
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

PDW

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

AGENDA ITEM

C7I

DATE

1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP), TO PROVIDE A NEW CITYWIDE ENTERPRISE FINANCIAL AND ADMINISTRATIVE SYSTEM FOR THE CITY OF MIAMI BEACH.**

ADMINISTRATIVE RECOMMENDATION:

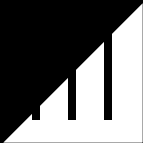
Adopt the Resolution.

ANALYSIS:

The computer system hardware (HP3000) upon which our existing financial system software, FMSII, operates is no longer supported by the manufacturer, necessitating a replacement of both the financial hardware and software systems. Additionally, the City has been notified that the current payroll system from Cyborg will be discontinued at the end of the 2004 calendar year, necessitating a move to another payroll system from Cyborg or another vendor.

The Mitchell-Humphrey FMSII System has been in use since the 1980's and it provides major financial functions, which include general ledger, accounts payable, accounts receivable, purchasing, budget, fixed assets and other general accounting functions. However, it doesn't interface with the other financial systems in use and provides limited financial management information, making it very difficult to use and extremely labor intensive. Additionally, the system architecture does not lend itself to today's security requirements or the need for business continuity in the event of a physical disaster.

The obsolescence of the hardware supporting the FMSII system necessitates that it be replaced within the next year. This replacement will also require a replacement, upgrade or conversion of the current software system to a different version or platform. The Finance and Information Technology Departments feel that these current systems are significantly out of date and unable of producing the comprehensive integrated information needed to manage the City's financial and administrative records efficiently. After reviewing the potential costs associated with the required replacement of these systems, the Administration believes that this is the appropriate time to consider alternatives for improving the City's financial systems.



In an effort to achieve the best alternative for replacing these systems, I created a committee comprised of residents with experience with sophisticated computerized financial systems, local professionals and City financial system users to review alternatives and recommend the best alternative for the replacement of the City's hardware and software systems. This committee met on December 19, 2003 and recommended that the City go forward with an RFP as soon as possible.

On December 22, 2003, the Finance and Citywide Projects Commission Committee met to discuss the recommendation of the Manager's committee and concurred with their recommendation.

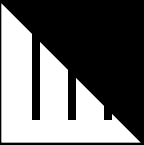
CONCLUSION

At this time, the Administration recommends that the Mayor and City Commission authorize the issuance of a Request for Proposals (RFP) to solicit proposals to provide a citywide enterprise financial and administrative system for the City of Miami Beach.

Attached please find the scope of services to be included in the subject RFP and the recommended evaluation criteria that will be included. Specific desirable outcomes will be determined at the time of contract negotiation.

JMG/PDW/MKR/GL

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SCOPE OF SERVICES

The City of Miami Beach is seeking a vendor who can provide computer software, including implementation and training services, for an enterprise financial, human resources and administrative support system. At a minimum, the systems proposed must address the management of financial, payroll and related "core" functions (described in detail below). Ideally, the proposed systems will also be capable of administering utility billing, permits, tax, special assessments and service requests in a highly integrated system.

Hardware

The system must include minimum and recommended specifications for both client and server hardware based upon the anticipated demands to be placed on the application systems by the City of Miami Beach. Specifications should include memory, disk, data communications, processing speed and redundancy considerations. Allowance should be made for a 5% annual growth in data volumes to be processed and it is assumed that ten (10) years of historical data will be required to be on-line at all times.

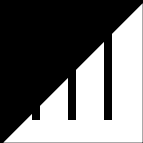
Mandatory Requirements

The following are **mandatory**. The system must satisfy all of these requirements which are based upon the standards for development at the City of Miami Beach.

- The proposed system must operate on Microsoft Windows-2000 Server with active directory.
- The proposed system must use the SQL 2000 database architecture and be operational at current governmental customer sites.
- The proposed system must support Windows 2000, and XP client workstations.
- The proposed financial system must be a true fund and encumbrance accounting package designed for governmental use.
- The proposed financial system must be GASB 34 compliant.
- All Financial, Human Resources and Administrative software applications / modules must be fully integrated from a single vendor.
- The entire proposed system must be fully 32 bit compliant, capable of using 3 tier client-server architecture using one of the following:
 - Visual Basic (Microsoft)
 - PowerBuilder (Sybase)
 - Delphi (Borland)

The following functional system programs/modules are **mandatory**. The system must include these required, enterprise "core" system functions/modules:

- General Ledger
- Accounts Payable
- Purchasing
- Accounts Receivable
- Budget Preparation



- Inventory
- Fixed Assets
- Project Accounting
- Contract management
- Bid Management
- Payroll
- Position Control
- Human Resources-Personnel
- Applicant Tracking
- Cashiering
- Business Licenses
- Special Improvements/Assessments
- Parcel management
- Ad-Hoc Reporting
- E-government

The City of Miami Beach is interested in continuing to expand its web presence and E-government applications. Vendors must offer this capability, within their proposal, for all customer related functions performed by the City.

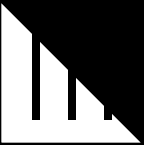
All of the mandatory system components must be integrated by design, without requiring custom programming to effect the integration. Additionally, they must be made to interface with our Laser Printing capability for checks, Applicant Test Scoring system, Microsoft Outlook, and the E.S.R.I. GIS system. Currently, the City of Miami Beach is not utilizing a centralized cashiering system, so vendors may propose unit costs for specific hardware that supports their proposed cashiering solution, if required to operate the system.

Optional Components/Functionality

Optionally, the City of Miami Beach has interest in the following systems/modules providing that they are integrated with those described above and are provided by the same vendor. Optional components are clearly identified in the questionnaire.

- Construction Permits
- Building/Property Inspections
- Code Enforcement
- Utility Billing
- Citizen/Service Requests

All of the optional system components, if proposed, must be integrated by design, without requiring custom programming to effect the integration.



E-mail and imaging integration, workflow and similar functionality that will economically enhance the usability and utility of the proposed systems should be detailed as optional features in the proposal even if not specifically referenced in the Questionnaire.

Optional system components, if proposed, must include interfaces to the following:

Permits/Inspections	must interface with	Intervoice IVR System
Inspections/Code Enforcement	must interface with	Acer Tablet PCs
Utility Billing	must interface with	Itron Handhelds
		Laser Printer/Forms

Evaluation/Selection Process and Criteria for Evaluation:

The procedure for proposal evaluation and selection is as follows:

1. Request for Proposals issued.
2. Receipt of proposals.
3. Opening and listing of all proposals received.
4. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each proposal in accordance with the requirements of this RFP. If further information is desired, proposers may be requested to make additional written submissions or oral presentations to the Evaluation Committee
5. The Evaluation Committee shall recommend to the City Manager the proposal or proposals acceptance of which the Evaluation Committee deems to be in the best interest of the City.

The Evaluation Committee shall base its recommendations on the following factors:

- A. Experience in the successful implementation of an enterprise financial, human resources and administrative support system for other governmental agencies (100)
 - B. Quality of Installed Base and References (100)
 - C. Client References (100)
 - D. Cost (100)
 - E. Proposed System Features (200)
 - F. Application Functionality (400)
 - G. System Integration (200)
 - H. E-government Integration (200)
6. After considering the recommendation(s) of the Evaluation Committee, the City Manager shall recommend to the Mayor and Commission the proposal or proposals, the acceptance of which the City Manager deems to be in the best interest of the City.

7. The City Commission shall consider the City Manager's recommendation(s) in light of the recommendation(s) and evaluation of the Evaluation Committee and, if appropriate, approve the City Manager's recommendation(s). The Mayor and Commission may reject City Manager's recommendation(s) and select another proposal or proposals. In any case, the Mayor and Commission shall select the proposal or proposals, the acceptance of which the Mayor and Commission deems to be in the best interest of the City. The City Commission may also reject all proposals.
8. Negotiations between the selected proposer and the City Manager will take place in order to arrive at a contract. If the Mayor and Commission has so directed, the City Manager may proceed to negotiate a contract with a proposer other than the top-ranked proposer, if the negotiations with the top-ranked proposer fail to produce a mutually acceptable contract within a reasonable period of time.
9. The Mayor and Commission will authorize, upon successful negotiations, that the City Manager execute a contractual agreement.
10. If, and when, a contract or contracts acceptable to the respective parties is approved by the Mayor and Commission, the Mayor and City Clerk sign the contract (s) after the selected proposer (s) has (or have) done so.

By submitting a proposal, all proposers shall be deemed to understand and agree that no property interest or legal right of any kind shall be created at any point during the aforesaid evaluation/selection process until and unless a contract has been agreed to and signed by both parties.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP), TO PROVIDE A NEW CITYWIDE ENTERPRISE FINANCIAL AND ADMINISTRATIVE SYSTEM FOR THE CITY OF MIAMI BEACH.

WHEREAS, the computer system hardware (HP3000) upon which the City's existing finance system, FMSII operates, is no longer supported by the manufacturer, and requires replacement of the associated hardware and software system; and

WHEREAS, the current Cyborg payroll system will be discontinued at the end of the 2004 calendar year, requiring a move to another payroll system; and

WHEREAS, the Mitchell-Humphrey FMSII System is obsolete and requires replacement within the coming calendar year; and

WHEREAS, the Finance and Information Technology Departments have determined that the current systems are significantly out of date and that it is an appropriate time to consider alternatives for improving the City's financial systems; and

WHEREAS, the City Manager appointed a committee to evaluate the alternatives for replacing the systems. This committee met on December 19, 2003 and recommended that the City go forward with an RFP as soon as possible; and

WHEREAS, the Finance and Citywide Projects Committee, at their December 22, 2003 meeting, referred the item to the full Commission for action instructing the Administration to issue an RFP to provide a Citywide enterprise financial and administrative system for the City of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the issuance of a request for proposals (RFP), to provide a new Citywide enterprise financial and administrative system for the City of Miami Beach be authorized.


PASSED and ADOPTED this _____ day of January, 2004.

MAYOR


ATTEST:

CITY CLERK

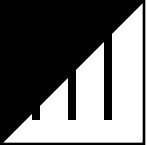
**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

 1-8-04

Date



List of Committee Members

Larry Herrup, CPA	Resident	Former BAC Chairperson
Dede Weithorn, CPA	Resident	Current BAC Chairperson
Georgina Echert	Finance Department	City of Miami Beach
Kay Randall	Information Technology	City of Miami Beach
Jim Sutter, CPA	Internal Audit	City of Miami Beach
Martha Dempsey	Special Asst to the City Mgr	City of Miami Beach

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution Accepting the City Manager's Recommendation, Authorizing Negotiations and Execution of a Contract with MBIA Municipal Investors Service Corp. Relative to the Ranking of the Firms' proposals Pursuant to Request for Proposals (RFP) No. 65-02/03 for Providing Investment Advisory Services.

Issue:

Shall the City Commission Adopt the Resolution?

Item Summary/Recommendation:

RFP No. 65-02/03 was issued on August 19, 2003, with an opening date of September 12, 2003. Four (4) responsive proposals were received from the following firms:

- * Banc of America
- * MBIA Municipal Investors Service Corp.
- * PFM Asset Management LLC
- * Trusco Capital Management

An Evaluation Committee appointed by the City Manager convened on December 18, 2003, to rank the four responsive proposals received. During deliberation, the Committee members discussed their individual ranking of the four firms and arrived at the following ranking:

- * First: MBIA Municipal Investors Service Corp.
- * Second: PFM Asset Management LLC

ADOPT THE RESOLUTION

Advisory Board Recommendation:


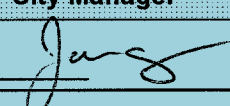
Financial Information:

Amount to be expended:		The cost of these services will be paid from additional investment earnings.		
Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div> Finance Dept.	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL 	PDW 	JMG 

T:\AGENDA\2004\Jan1404\Consent\INVESTMENT SUMMARY.doc

Agenda Item C7J
Date 1-14-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: January 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF PROPOSALS RECEIVED PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 65-02/03, FOR PROVIDING INVESTMENT ADVISORY SERVICES; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS AND CONTRACT WITH THE TOP RANKED FIRM OF MBIA MUNICIPAL INVESTORS SERVICE CORP.; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE TOP RANKED FIRM; AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SECOND RANKED FIRM OF PFM ASSET MANAGEMENT LLC.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City requested proposals from firms to provide investment advisory services to manage and direct the City's investments. The successful firm will manage and direct the investment of excess funds in accordance with the City's investment objectives as set forth in City of Miami Beach's Investment Policy. The key objectives of the City's investment policy are safety of capital, sufficient liquidity to meet requirements and attaining market-average rates of return. Excess funds are defined as funds not required to meeting short term expenditures of the City. Currently, funds available for investment consist of approximately \$151 million from operating funds, \$106 million from various bond proceeds, and \$20 million from the Miami Beach Redevelopment Agency (RDA).

The City will contract with a firm that is highly experienced, a leader and innovator in the management of investments, and able to provide comprehensive investment advisory services. This firm and its affiliates will be restricted from selling to the City, or buying from the City, any securities to or from that firm's own inventory or account. The investment advisor will also be restricted from placing into the City's portfolio any securities for which it, or an affiliate, is the issuer. This firm/investment advisor will not provide custodial services or security safekeeping.

ANALYSIS (Cont.)

All City investments, except for swap agreements will be held in an independent third party custodial account.

Fees for these services are expected to range 6 to 8 basis points (.0006 to .0008) of the value of the total portfolio invested annually. For a \$250 million portfolio the annual fees could range from \$150,000 to \$200,000 which will be paid from additional investment earnings.

The contract term will be for two (2) years, with three (3) one (1) year renewal options if mutually agreeable.

The City requires that the selected Investment Advisor, at a minimum, provide the following services:

Provide full-time management on a daily basis of the City's investment portfolio pursuant to the specific stated investment objectives and the City's Investment Policy. Place all orders for the purchase and sale of securities, communicate settlement information to City staff and assist in coordinating security settlement.

Serve as a general resource to City staff for information, advice and training regarding fixed income securities, investment and yield curve analysis.

Work with City staff to develop cash flow projections to ensure that the investment strategy is consistent with the City's cash requirements.

Provide monthly statements detailing investment activity, earnings, the value of the investment portfolio, a portfolio return, mark to market valuation, and weighted average maturity. The selected investment advisor must maintain accurate reports including portfolio composition showing diversity of investments and compliance with applicable investment policies of the City of Miami Beach and State of Florida Statutes.

Develop and implement investment strategies for the Advisory Account that will seek to enhance portfolio performance under current and future market conditions within the parameters of the City's investment policy and cash flow needs.

Obtain and document competitive prices for securities transactions.

Provide semi-annual and annual portfolio performance reports.

Review and update the City's investment policy and written investment procedures.

Perform due diligence reviews of current and proposed broker/dealers.

Monitor the creditworthiness of the City's depository and custodian bank and investments in the portfolio.

ANALYSIS (Cont.)

Provide client training on investment management subjects.

Attend meetings with the City's finance staff and governing body upon request.

Provide arbitrage calculations and reports on the investment of bond proceeds.

Authorized Investments

The City has established a list of authorized types of investments by ordinances 87-2588 and modified by 92-2793. The policy was further modified by ordinance 97-3074 following recommendation by the Finance and Citywide Projects Committee and was approved by the Mayor and City Commission on March 5, 1997. This policy will be reviewed by both our Financial Advisor, William R. Hough & Co. and the Investment Advisor for current applicability and any recommended changes will be referred to the Finance and Citywide Projects Committee for discussion and the Mayor and City Commission for approval. A list of these types of authorized investments is located in **Attachment A**.

Request for Proposals (RFP) No. 65-02/03 was issued on August 19, 2003, with a deadline for the receipt of proposals of September 12, 2003. Bidnet issued thirteen (13) notices to prospective firms. This resulted in the receipt of five proposals of which four were deemed as responsive proposals:

1. Banc of America Capital Management, LLC
2. MBIA Municipal Investors Service Corp.
3. PFM Asset Management LLC
4. Trusco Capital Management, Inc.
5. Smith Barney, Inc. **(non-responsive)**

An Evaluation Committee ("the Committee") was appointed consisting of the following individuals:

Jeryl (Deede) Weithorn, Budget Advisory Committee, Independent CPA
(Chairperson) Resident
Ramon Duenas, Expenditure/Treasury Manager
Laura Rubines, Assistant Internal Auditor
Marc Jacobsen, Budget Advisory Committee, Resident
Eugene Woodard, Budget Advisory Committee, Resident

On December 18, 2003, the Committee convened, with all committee members in attendance. The Committee was provided with the project overview and background information. The Committee reviewed references submitted by the proposers, and were briefed on the City's policies and procedures relative to the Cone of Silence Ordinance and the Government in the Sunshine Law.

ANALYSIS (Cont.)

Furthermore, they discussed the following RFP Evaluation Criteria factors used to evaluate and rank the proposals:

- Firms overall experience, qualifications and technical ability - **20 Points**
- Firms experience in managing fixed income assets for state and local government - **20 Points**
- Performance of managed portfolios that closely match the City's portfolio in size and governed by similar investment policies - **20 Points**
- Demonstrate the ability to meet objectives outlined in Scope of Services – **20 Points**
- Accessibility, availability and professional qualifications of the individuals who would be assigned to manage the City's portfolio - **20 Points**

BID TABULATION:

COMMITTEE MEMBER	FIRM BANC OF AMERICA	FIRM MBIA MUNICIPAL INVESTORS	FIRM PFM ASSET MANAGEMENT	FIRM TRUSCO CAPITAL MANAGEMENT
DEEDE WEITHORN	75 (4)	98 (1)	92 (2)	87 (3)
RAMON DUENAS	65 (4)	96 (1)	79 (2)	70 (3)
LAURA RUBINES	50 (4)	100 (1)	65 (3)	75 (2)
MARC JACOBSEN	70 (4)	94 (1)	86 (2)	70 (3)
**EUGENE WOODWARD				
RANKINGS	(4)	(1)	(2)	(3)

** Recused himself from scoring the Firms as he was not able to review the proposals.

CONCLUSION:

The Administration recommends that the Mayor and City Commission adopt the Resolution, which accepts the City Manager's recommendation, and authorizes the Administration to enter into negotiations and contract with the top-ranked firm of **MBIA Municipal Investors Service Corp.**; and should the Administration not be able to negotiate an agreement with the top ranked firm; authorizing the Administration to negotiate with the second ranked firm of PFM Asset Management LLC.



Attachment A.**Authorized Investments****1. Time Deposits**

Duration	N/A
Maximum % of Portfolio	100%
Maximum % of Combined Asset Group	100%

2. Certificates of Deposit

Duration	1-3 yrs
Maximum % of Portfolio	100%
Maximum % of combined Asset Group	100%

3. U. S. Treasury Bills

Duration	N/A
Maximum % of Portfolio	100%
Maximum % of Combined Asset Group	100%

4. U. S. Treasury Notes

Duration	0-7 yrs
Maximum % of Portfolio	100%
Maximum % of Combined Asset Group	100%

5. U.S. Government Agency Securities

Duration	0-7 yrs
Maximum % of Portfolio	50%
Maximum % of Combined Asset Group	50%

6. Obligations issued by any state or territory of the United States, which are fully insured or rated in one of the two highest rating categories by both Moody's Investors Service, Inc. and Standard and Poor's Corporation or their successors.

Duration	7-10 yrs
Maximum % of Portfolio	50%
Maximum % of Combined Asset Group	50%

Attachment A.**Authorized Investments**

7. Fixed Term Repurchase Agreements

Duration	0-3 yrs
Maximum % of Portfolio	20%
Maximum % of Combined Asset Group	100%

8. Overnight Repurchase Agreements

Duration	N/A
Maximum % of Portfolio	100%
Maximum % of Combined Asset Group	N/A

9. Bankers Acceptances

Duration	N/A
Maximum % of Portfolio	20%
Maximum % of Combined Asset Group	30%

10. Commercial Paper with a rating of A-1 or P-1 only, rated by Moody's or Standard & Poor's

Duration	N/A
Maximum % of Portfolio	20%
Maximum % of Combined Asset Group	30%

11. Corporate notes, corporate bonds, medium term notes, Yankee notes, and Yankee bonds with terms of one year or less rated by 2 of 3 designated rating agencies in one of the two highest rating categories.

Maturity	0-2%
Maximum % of Portfolio ¹	20%
Maximum % of Combined Asset Group	30%

12. Corporate notes, corporate bonds, medium team notes, Yankee notes, and Yankee bonds, with terms of in excess of one with a maximum of 5.0 years rated by 2 of 3 designated rating agencies in one of the two highest rating categories.

Duration	3 -7 yrs
Maximum % of Portfolio	20%
Maximum % of combined Asset Group	30%

Attachment A.**Authorized Investments**

13. Money market mutual/trust funds which substantially conform with this policy as follows:

Duration	N/A
Maximum % of Portfolio	100%
Maximum % of combined Asset Group	100%

- a. State of Florida Local Government Surplus Funds Trust Fund
- b. Mutual/trust funds sponsored by the Florida League of Cities
- c. Private money market mutual funds backed entirely by "Full Faith and Credit" U.S. Government Securities not to exceed 25%.

14. Fixed income mutual funds sponsored by the Florida League of Cities which substantially conform with this policy as follows:

Duration	N/A
Maximum % of Portfolio	25%
Maximum % of combined Asset Group	25%

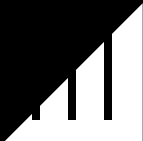
15. Mortgage-backed securities collateralized by first mortgages (or deeds of trust) and asset-backed securities collateralized by consumer or business receivables with a maximum duration of 3.0 years at time of purchase and structured as either collateralized mortgage obligations or unstructured pass-through securities and rated by 2 of 3 designated rating agencies as follows:

Maturity	3 – 5 yrs
Maximum % of Portfolio	15%
Maximum % of combined Asset Group	50%

- a. Moody's - AAA3 higher
- b. Standard & Poor's - AA- or higher
- c. Fitch - AA- or higher

16. Externally managed funds requiring specific approval by Commission with investment limited to City policy and rating criteria

Duration	3-7 yrs
Maximum % of Portfolio	20%
Maximum % of combined Asset Group	20%



Attachment A.

Authorized Investments

17. Interest rate Swap agreements between the City and a counter party to pay/receive a fixed interest rate payment in exchange for a variable rate payment over a specified term with the requirement that all "Swap" agreements be approved by City Commission prior to execution.

Duration	N/A
Maximum % of Portfolio	10%
Maximum % of combined Asset Group	20%

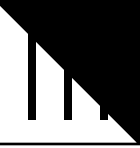
All repurchase agreements are fully collateralized and the collateral is held in the City's name by a third party custodian.

Derivatives (defined as a financial instrument the value of which depends on, or is derived from the value of one or more underlying assets or index of asset values) shall be utilized only if specifically authorized as part of the investment plan and the Finance Director or his designee has sufficient understanding/expertise to invest in derivatives. All proposed derivative investments (including "SWAPS") will be analyzed by the City's Financial Advisor and will be presented to the Capital Improvements/Finance Committee and the City Commission for approval. Repurchase Agreements (an agreement between an investor and a security dealer whereby dealer agrees to buy back the security at a specified price in the future) will be limited to transactions in which the proceeds will be used to provide liquidity. Any investment which is not issued in "Book Entry Only" form is physically held by the City in a secure vaulted area and surrendered only when invested funds and earnings are received by the City at maturity.

Prohibited Investments

Funds to be invested in cash management investments may not be invested in the following:

Common Stock	Private Placements
Preferred Stock	Unregistered or Restricted Stock
Convertible Bonds	Margin Trading
Venture Capital	Limited Partnerships
Options and Futures	Oil and Gas Wells
Warrants securities	IO or PO strips or inverse floater mortgage backed
Commodities	Foreign Exchange
Short Selling	Any Inverse Floating Rate Securities
Real Estate	



Maturity and Liquidity Requirements

The City selects investments whose terms compliment the need to make the majority expenditures set forth below.

1. Biweekly Payrolls
2. Periodic Debt Service Payments
3. Capital Project Needs

For each expenditure event, investments are selected whose maturities occur at a date close to the date that funds will be needed. Investments also are selected based on the highest yield for the particular type of investment. In the case of capital projects, in which the exact date that expenditures will need to be made is unknown, the City selects several investments with varying maturities so that monies are available each month to cover all capital expenditures. Any unused capital investment funds are then placed in investments of one year or more to maximize return potential.

As mentioned earlier, the City maintains an overnight investment program of approximately 9,000,000, which provides funds needed to cover daily operating expenses, excluding Items # 1-3 above. Interest yields on these investments are competitive though somewhat lower than longer term instruments.



RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF PROPOSALS RECEIVED PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 65-02/03 FOR PROVIDING INVESTMENT ADVISORY SERVICES TO THE CITY OF MIAMI BEACH; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS AND CONTRACT WITH THE TOP-RANKED FIRM OF MBIA MUNICIPAL INVESTORS SERVICE CORP.; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SECOND-RANKED FIRM OF PFM ASSET MANAGEMENT LLC.

WHEREAS, the City issued a Request for Proposal (RFP) seeking competitive pricing to direct and manage the City's excess funds in accordance with the City's investment objectives as set forth in the City of Miami Beach's Investment Policy which involves safety of capital, sufficient liquidity to meet requirements and attaining market average rates of return; and

WHEREAS, currently the funds available for investment consist of approximately \$151 million from operating funds, \$106 million from various bond proceeds and \$20 million from the Miami Beach Redevelopment Agency (RDA); and

WHEREAS, the cost of these services will be paid from additional investment earnings; and

WHEREAS, a Request for Proposals (RFP) No. 65-02/03 was issued on August 19, 2003, with a deadline for the receipt of proposals of September 12, 2003, resulting in the receipt of four responsive proposals from the following firms:

- Banc of America
- MBIA Municipal Investors Service Corp.
- PFM Asset Management LLC
- Trusco Capital Management

WHEREAS, an Evaluation Committee was appointed by the City Manager consisting of the following individuals:

- * Jeryl (Deede) Weithorn, **(Chairperson)**, Budget Advisory Committee, Independent CPA
- * Ramon Duenas, Expenditure/Treasury Manager
- * Laura Rubines, Assistant Internal Auditor
- * Marc Jacobson, Budget Advisory Committee
- * Eugene Woodard, Budget Advisory Committee

WHEREAS, the Evaluation Committee convened on December 18, 2003 and unanimously voted to recommend that the Administration be authorized to commence negotiations and contract with the top ranked firm; and

WHEREAS, the City Manager has reviewed the Evaluation Committee's recommendation, and herein recommends that the Mayor and City Commission enter into negotiations with the top-ranked firm of MBIA Municipal Investors Service Corp.; and if unsuccessful, negotiate with the second-ranked firm of PFM Asset Management LLC.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Miami Beach City Commission accept the recommendation of the City Manager pertaining to the Request for Proposal (RFP) 65-02/03 received for provision of Investment Advisory services to the City of Miami Beach; authorizing the Administration to enter into negotiations and contract with the top ranked firm, MBIA Municipal Investors Service Corp.; and if unsuccessful in negotiations with the top ranked firm, authorizing the Administration to enter into negotiations with the second ranked firm, PFM Asset Management LLC.

PASSED and ADOPTED this ____ day of _____, 2004.

ATTEST:

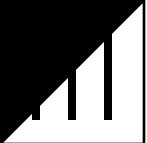
MAYOR

CITY CLERK

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. M. [Signature] 12-29-03
City Attorney Date



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